

BEFORE THE CIVIL SERVICE COMMISSION  
OF THE COUNTY OF LOS ANGELES  
JOSEPH SCULLY, HEARING OFFICER

IN THE MATTER OF THE )  
DISCHARGE, EFFECTIVE )  
SEPTEMBER 14, 2016, OF: )  
CAREN MANDOYAN, )  
APPELLANT, ) CASE NO. 16-276  
FROM THE POSITION OF )  
DEPUTY SHERIFF, )  
SHERIFF'S DEPARTMENT, )  
RESPONDENT. )  
\_\_\_\_\_ )

TRANSCRIPT OF PROCEEDINGS  
Los Angeles, California  
Tuesday, July 25, 2017

Reported by:  
SHELBY K. MAASKE  
HEARING REPORTER

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SHERIFF'S DEPARTMENT,	)	
	)	
RESPONDENT.	)	
_____	)	

Transcript of Proceedings, taken at  
500 W. Temple Street, Los Angeles, California,  
Room 522-B, beginning at 9:00 a.m. and ending  
at 3:30 p.m. on Tuesday, July 25, 2017,  
heard before Joseph Scully, Hearing Officer,  
reported by Shelby K. Maaske, Hearing Reporter.

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APPEARANCES:

For the Department:

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT  
BY: CHRISTINE ROAM  
4900 S. Eastern Avenue  
Suite 101  
Commerce, California 90040  
(323) 890-5413  
CDRoam@lasd.org

For the Appellant:

LAW OFFICE OF MICHAEL A. GOLDFEDER  
BY: MICHAEL A. GOLDFEDER, ESQ.  
400 Continental Boulevard  
6th Floor  
El Segundo, California 90245  
(310) 374-7011  
michaelgoldfeder@hotmail.com

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I N D E X

DEPARTMENT'S  
WITNESSES:

DIRECT

CROSS

REDIRECT

RECROSS

[REDACTED]	12	31	51	52
[REDACTED]	57	66	79	
[REDACTED]	85	105	135	139
[REDACTED]	142	164	187	194

APPELLANT'S  
WITNESSES:

DIRECT

CROSS

REDIRECT

RECROSS

(None)

E X H I B I T S

DEPARTMENT'S  
EXHIBITS:

MARKED FOR  
IDENTIFICATION

RECEIVED  
IN EVIDENCE

4 - Investigative Summary		10
5 - July 20, 2016 El Segundo PD Interview of [REDACTED]		10
6 - July 20, 2015 El Segundo Police Report		10
7 - June 24, 2016 IAB Interview of [REDACTED]		10
8 - June 29, 2016 IAB Interview of [REDACTED]		10
9 - June 30, 2016 IAB Interview of [REDACTED]		10

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E X H I B I T S (Continued)

<u>DEPARTMENT'S EXHIBITS:</u>	<u>MARKED FOR IDENTIFICATION</u>	<u>RECEIVED IN EVIDENCE</u>
10 - June 30, 2016 IAB Interview of [REDACTED]		10
11 - June 30, 2016 IAB Interview of [REDACTED]		10
12 - June 30, 2016 IAB Interview of [REDACTED]		10
13 - July 6, 2016 IAB Interview of Detective Ryan Danowitz		10
14 - July 13, 2016 IAB Interview of [REDACTED]		10
15 - July 18, 2016 IAB Interview of [REDACTED]		10
16 - July 21, 2016 IAB Interview of [REDACTED]		10
17 - July 14, 2016 IAB Interview of Caren Mandoyan-Redacted		10
19 - [REDACTED] inter[REDACTED]/photos		10
20 - June 3, 2015 [REDACTED] text		10
21 - Restraining Orders		10
25 - Investigation Addendum Documents		10

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E X H I B I T S (continued)

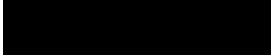
DEPARTMENT'S  
EXHIBITS

MARKED FOR  
IDENTIFICATION

RECEIVED  
IN EVIDENCE

29 - DVD of Video  
and Audio Recordings

10

31 - IAB Interview of  


7

APPELLANT'S  
EXHIBITS:

MARKED FOR  
IDENTIFICATION

RECEIVED  
IN EVIDENCE

(None)

1 Los Angeles, California; Tuesday, July 25, 2017

2 9:00 a.m.

3  
4 HEARING OFFICER SCULLY: On the record.

5 Good morning. We are back. Both counsel are  
6 present, as is [REDACTED] and the County Counsel,  
7 Mr. Bollinger.

8 Shall we call our first witness? Anything we  
9 need to go over?

10 MS. ROAM: Just for the record, sir, I've  
11 provided to counsel, and I've provided to you, and I've  
12 placed in the counsel's witness binder what I've marked  
13 Department's Exhibit 31, which is the IAB transcript of  
14 [REDACTED] that we spoke of yesterday. So  
15 I ask that that be marked.

16 (Department's Exhibit 31 was marked for  
17 identification by the Hearing Officer.)

18 HEARING OFFICER SCULLY: Thank you.

19 MR. GOLDFEDER: I have copies of the exhibits  
20 that the Department left out of the binder, Exhibits 50  
21 and 51. I have copies of those for everybody here today.

22 MS. ROAM: Just for the record, the reason why  
23 they are left out of the binder is the Department has  
24 marked the exhibits that the Department believes are  
25 relevant to proving our case. Appellant was provided with

1 a Skelly packet that included all of the documents.

2 Certainly, Counsel is more than welcome to mark  
3 whatever documents were in that that he finds relevant. I  
4 would just object to his characterizing that the  
5 Department left this out.

6 HEARING OFFICER SCULLY: Okay. I have a copy of  
7 50 from yesterday.

8 MR. GOLDFEDER: Okay. That's an extra one. I  
9 just made an extra one just in case.

10 HEARING OFFICER SCULLY: 51, and I also have 52.  
11 So far, no exhibits have been -- although we've had a lot  
12 of exhibits identified, none of them are moved into  
13 evidence.

14 MS. ROAM: And sir, I would move at this time the  
15 Department's -- and I'll go through the specific  
16 Department exhibits I believe [REDACTED] has  
17 testified to. This is Department's Exhibit 4.

18 HEARING OFFICER SCULLY: You are going to list  
19 them all off? Do you want to move them all into evidence  
20 right now?

21 MS. ROAM: Sure. 4 through 17, 19 through 21,  
22 25, and 29.

23 HEARING OFFICER SCULLY: Okay.

24 Any objection from Appellant?

25 MR. GOLDFEDER: Any of those contain the



1 impermissible felony phone call-type interview?

2 MS. ROAM: I'm not going to agree that it's a  
3 felony phone call interview, but I will say that it does  
4 not include the transcript of the Appellant's  
5 IAB interview that was redacted, which is 18, which I've  
6 not asked to admit yet because I don't believe the  
7 Department has been allowed to lay the foundation for --  
8 we haven't had the opportunity to lay the foundation for  
9 that yet, as is the case for Department's Exhibit 26,  
10 which is the unredacted transcript of [REDACTED]'s  
11 interview where she discusses that.

12 HEARING OFFICER SCULLY: Okay. So the question  
13 is the ones that remain, 4 through 17, 19, 20, 21, 25, and  
14 29. I don't recall -- I could look. Is there any mention  
15 of the subject phone call?

16 MS. ROAM: Other than [REDACTED], that she had  
17 it; not the content of it, no.

18 HEARING OFFICER SCULLY: Okay. So any objection  
19 from Appellant?

20 MR. GOLDFEDER: No. So specifically 18 and 26  
21 deal with the illegal phone call that was recorded. Those  
22 are the only two exhibits in Department's binder that  
23 contain that information.

24 HEARING OFFICER SCULLY: Are you asking that -- I  
25 think that's what Ms. Roam said. However, she's not

1 agreeing it's an illegal phone call; but the phone call  
2 itself, yes.

3 MR. GOLDFEDER: That's fine. So just 18 through  
4 26; is that right, Sergeant Roam?

5 MS. ROAM: I'm not asking for 18, 26, or 30,  
6 which are the audio recording concerning said phone call.

7 MR. GOLDFEDER: That's fine. I just want to  
8 identify those for the record.

9 HEARING OFFICER SCULLY: So Exhibits 4 through  
10 17, 19 through 21, 25, and 29 are admitted.

11 (Department's Exhibits 4 through 17, 19  
12 through 21, 25, and 29 are received in  
13 evidence by the Hearing Officer.)

14 MS. ROAM: Thank you, sir.

15 HEARING OFFICER SCULLY: You're welcome.

16 I saw somebody in the hallway. Is that our next  
17 witness?

18 MS. ROAM: I don't know. It may be. I haven't  
19 had the opportunity -- so I just want to be clear,  
20 Mr. Goldfeder, you don't intend to question

21 [REDACTED] this morning?

22 MR. GOLDFEDER: I do now that we've got  
23 Exhibit 31.

24 MS. ROAM: I would just state for the record that  
25 [REDACTED] is the Department's second witness

1       today. I believe she can authenticate that transcript.

2               HEARING OFFICER SCULLY: Okay.

3               Well, we did reserve that bit of  
4 cross-examination. So Mr. Goldfeder, do you want to do  
5 that this morning? Right now?

6               MR. GOLDFEDER: I'll defer until after  
7 [REDACTED] is off the stand. Then I'll call  
8 [REDACTED] at that point.

9               HEARING OFFICER SCULLY: All right.  
10              Let's call our first witness of the day.

11              Mr. Goldfeder, did you put the exhibits in the  
12 witness exhibit notebook, the ones you handed me this  
13 morning?

14              MR. GOLDFEDER: I did not. But I have copies,  
15 your Honor. I will stick them in the portfolio there.

16              HEARING OFFICER SCULLY: Let's do that in case a  
17 witness needs to be directed to those.

18              MR. GOLDFEDER: Sure.

19              MS. ROAM: Sir, the Department's next witness is  
20 [REDACTED].

21              HEARING OFFICER SCULLY: Good morning. Before  
22 you sit down, just hang on a second.

23              Sergeant Roam, did you put Exhibit 31 in the  
24 witness notebook?

25              MS. ROAM: I did, yes.

1 HEARING OFFICER SCULLY: Okay. Thank you.

2 Can you raise your right hand, please.

3

4 [REDACTED] /

5 called as a witness by and on behalf of the Department,  
6 and having been first duly sworn by the Hearing Officer,  
7 was examined and testified as follows:

8

9 HEARING OFFICER SCULLY: Okay. Sit down, and  
10 state and spell your first and last name, please.

11 THE WITNESS: [REDACTED] [REDACTED], [REDACTED]  
12 [REDACTED].

13 HEARING OFFICER SCULLY: Is it spelled -- the  
14 last name, again, please.

15 THE WITNESS: [REDACTED], as in "David," [REDACTED].

16 HEARING OFFICER SCULLY: Okay. Thank you.

17 MS. ROAM: Thank you.

18

19 DIRECT EXAMINATION

20 BY MS. ROAM:

21 Q [REDACTED], we have a court reporter taking  
22 down everything. Keep your voice up so everyone can hear  
23 you. And make sure you let counsel and I finish our  
24 questions before you answer them; okay?

25 A Yes, ma'am.

1 Q [REDACTED], have you and I met before?

2 A Yes.

3 Q Keep your voice up.

4 A Yes.

5 HEARING OFFICER SCULLY: You are going to have to  
6 talk loud so that I can hear. And my hearing isn't that  
7 great. And also, the court reporter needs to hear you, as  
8 well as everybody else in the room.

9 BY MS. ROAM:

10 Q When did we meet?

11 A Last Tuesday.

12 Q Prior to our meeting, did I provide you with  
13 anything?

14 A I'm sorry. Last Thursday.

15 Q It's okay. Where did we meet?

16 A At the Advocacy Unit in Commerce.

17 Q Prior to our meeting, did I provide you with  
18 anything?

19 A Just the subpoena.

20 Q I want you to take a look in the binder in front  
21 of you. Look at Exhibit 15, if you would.

22 Do you recognize this document?

23 A Yes, ma'am.

24 Q What is it?

25 A It is my IA interview.

1 Q Did I provide this transcript to you?

2 A Yes, you did, through e-mail.

3 Q Do you recall your interview with

4 [REDACTED]?

5 A Yes, ma'am.

6 Q Where was that interview?

7 A At IA in Commerce.

8 Q What was your work status at the time you were  
9 interviewed?

10 A I was on medical leave.

11 Q [REDACTED], I want to ask you. Do you know

12 [REDACTED]?

13 A Yes, ma'am.

14 Q How do you know [REDACTED]?

15 A Her and I used to work together; and we are also  
16 friends.

17 Q How long have you known her?

18 A Approximately eight or nine years.

19 Q Where did you work together?

20 A At Twin Towers.

21 Q Is that where you met her?

22 A Yes, ma'am.

23 Q What was your relationship like when you and

24 [REDACTED] worked together at Twin Towers?

25 A We became friends.

1 Q Did you socialize off duty?

2 A Yes.

3 Q Was there a time when you were no longer friends?

4 A Yes, ma'am.

5 Q Do you recall when that was?

6 A Approximately Summer of 2012.

7 Q Do you know the Appellant, Caren Mandoyan?

8 A Yes, ma'am.

9 Q How do you know him?

10 A We dated briefly for about a month.

11 Q How did you become friends with the Appellant?

12 A He had reached out to me on Facebook.

13 Q In that binder in front of you, I would like for

14 you to turn to Exhibit 22.

15 Do you recognize this document?

16 A Yes, ma'am.

17 Q What is it?

18 A It is a Facebook message that he reached out to

19 me.

20 Q At the time that he sent this Facebook message to

21 you -- let me ask you: What happened next?

22 A We talked for a little bit, and then we hung out.

23 Q When you say you "talked for a little bit," how

24 did you talk?

25 A Through Messenger and text message.

1 Q Prior to receiving this message from the  
2 Appellant, did you know him?

3 A I did not know him. I knew of him from the  
4 Department.

5 Q Can you explain how you knew of him.

6 A I recall seeing him at IRC before.

7 Q Now, taking you back to -- do you know when this  
8 message was sent by the Appellant to you?

9 A May 22, 2015.

10 Q At that time what was your work status?

11 A I was on medical leave then as well.

12 Q [REDACTED], are you currently employed by the  
13 Sheriff's Department?

14 A Yes, ma'am.

15 Q What is your job assignment?

16 A At Twin Towers.

17 Q What is your job title?

18 A Warehouse Worker Aid.

19 Q Did you used to be a deputy sheriff?

20 A Yes, ma'am.

21 Q What is the reason you're a warehouse worker aid  
22 and not a deputy?

23 A Due to medical, I got reclassified as a warehouse  
24 worker aid.

25 Q Now, without getting into details of your medical



1 issues, ma'am, has anything affected your ability to  
2 recall clearly the events that transpired during this time  
3 period?

4 A Yes.

5 Q Can you tell us what that was.

6 A Medication.

7 Q Now, did you, in fact, become Facebook friends  
8 with the Appellant after he reached out to you through  
9 Messenger?

10 A Yes, ma'am.

11 Q What happened next after becoming Facebook  
12 friends?

13 A We had talked through text and the phone, and  
14 then we had hung out.

15 Q Can you tell me how did that come about that you  
16 started hanging out?

17 A He had reached out to me to hang out in person,  
18 and then he came over my house.

19 Q How would you characterize his reaching out to  
20 you?

21 A Pushy.

22 Q Can you describe -- why do you say it was pushy?

23 A It was just insistent on hanging out.

24 Q When you say "it was insistent," like, how many  
25 times did he contact you and insist on hanging out?

1           A    That, I do not recall.

2           Q    All right.  So you said he was insisting on you  
3 hanging out and you guys began hanging out.  What happened  
4 next?

5                   Let me ask you this:  How often would you hang  
6 out?

7           A    I don't recall.

8           Q    Can you describe what your relationship was with  
9 him when you began hanging out.

10          A    Like, a dating relationship.

11          Q    I'm not asking for your address, but where in the  
12 county did you live at this time?

13          A    Santa Clarita.

14          Q    Do you know where the Appellant lived?

15          A    I was told El Segundo.

16          Q    Did the Appellant come to you, or did you go to  
17 him when you hung out?

18          A    He came to my house.

19          Q    Did you invite him over to your house?

20          A    Yes.

21          Q    Did the Appellant ever show up at your house  
22 uninvited?

23          A    Yes, ma'am.

24          Q    Can you tell us about that.

25          A    He had come to my house and took off the screen

1 of the window by my front door. And then he proceeded to  
2 open the window and attempt to enter into my house. He  
3 was caught off guard when he saw me downstairs; and I  
4 asked him what he was doing.

5 Q Now, prior to him coming to your house and  
6 attempting to enter your house through your window, had  
7 you had any contact with the Appellant?

8 A I don't recall.

9 Q Do you know why he came to your house?

10 A He had stated that he was coming to check on me.

11 Q Did you know why he was coming to check on you?

12 A I do not.

13 Q Had he called you prior to coming to your house?

14 A I don't recall.

15 Q Now, when he came to your house and attempted to  
16 enter your house through the window, did he say anything  
17 to you?

18 A That he wanted to talk.

19 Q What was your relationship with him at that time?

20 A We were still talking.

21 Q Were you still seeing each other in a dating  
22 relationship?

23 A I believe so.

24 Q When he came to your house and removed the screen  
25 and attempted entry through your window, did he have a key

1 to your apartment at that time?

2 A No, ma'am.

3 Q Did he have any of his personal property in your  
4 house?

5 A No, ma'am.

6 Q Do you know if he had any County property in your  
7 house?

8 A No, ma'am.

9 Q You said as he attempted entry, he was surprised  
10 to see you.

11 A Yes, ma'am.

12 Q Were you surprised to see him?

13 A Yes, ma'am.

14 Q How did you feel?

15 A I felt upset and -- just upset.

16 Q Did you call 911?

17 A No, ma'am.

18 Q Did you notify anybody?

19 A No, ma'am.

20 Q Did you notify the Department?

21 A No, ma'am.

22 Q Now, when you first started talking and embarked  
23 on this dating relationship with the Appellant, do you  
24 know what his relationship was with [REDACTED]?

25 A He told me they had broke up a while back.

1 Q When did that come up during your relationship?

2 At what point did he mention that?

3 A I believe after the first time we hung out.

4 Q Did he indicate that he knew you had been friends  
5 with [REDACTED]

6 A Yes, ma'am.

7 Q What did he say?

8 A He just said, Your ex-friend, I used to date her.

9 Q When he said, "Your ex-friend, I used to date  
10 her," did you know who he was talking about?

11 A Yes. Because then he proceeded to say,  
12 [REDACTED].

13 Q Did he say anything else about [REDACTED]

14 A Not that I recall.

15 Q During this time that you were dating him, did he  
16 ever say anything to you about [REDACTED] Did he ever talk  
17 about her?

18 A Yes, ma'am.

19 Q What would he say?

20 A He would just bash her character about the type  
21 of person she is, referring to her as a whore, sleeping  
22 with men on the job, sleeping with married men.

23 Q Do you know where he was getting this  
24 information?

25 A He said a buddy.

1           Q    He said a buddy was telling him these things  
2 about [REDACTED]

3           A    Yes, ma'am.

4           Q    At this point did you know how long they had been  
5 broken up?

6           A    I don't recall.

7           Q    Now, when we met last Thursday, did I show you  
8 some documents?

9           A    Yes, ma'am.

10          Q    In the binder in front of you, I'd like for you  
11 to turn to Department's Exhibit 6. I'm going to call your  
12 attention specifically to pages 14 through 19. There is a  
13 series of photographs of text messages.

14               Now, prior to Thursday, had you seen these text  
15 messages before?

16          A    No, ma'am.

17          Q    Did you send them?

18          A    Not that I recall.

19          Q    You say not that you recall. Is it possible that  
20 you sent them?

21          A    Anything is possible.

22          Q    Have you had a chance to take a look at the  
23 messages and see the content of the messages?

24          A    Yes, ma'am.

25          Q    Is that information that you would have known

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about [REDACTED]

A No, ma'am. I do not know who [REDACTED] is. I do not know about Dodger tickets or hotel rooms.

Q Okay.

A And I do not spell "buses" like that.

Q Are you familiar with an app Text for Free or a No-Reply Text Message app?

A I've heard it of.

Q You've heard of it. Have you used it?

A No, ma'am.

Q Now, when you say, "anything is possible," why do you say that, [REDACTED]?

A Because at that time -- I have a hard time recalling some things.

Q Do you know a sergeant on the Department by the name of [REDACTED]?

A Yes, ma'am.

Q Are you friends?

A No, ma'am.

Q So I want you to turn to Exhibit 20 in the binder. Sorry. It's full. Take a look at these three pages.

[REDACTED], did I show you these documents when we met last Thursday?

A Yes, ma'am.

1 Q Did you recognize these?

2 A No, ma'am.

3 Q Did I ask you if you sent this text message?

4 A Yes, ma'am.

5 Q What did you say?

6 A Not that I recall.

7 Q Now, did you know that [REDACTED] was working  
8 with a [REDACTED]?

9 A Yes.

10 Q Who is [REDACTED] to [REDACTED]?

11 A That is her boyfriend.

12 Q How did you know that [REDACTED] was working with  
13 [REDACTED]?

14 A From Mandoyan.

15 Q Can you tell me -- how did you learn about that  
16 from Mandoyan?

17 A When he was speaking of [REDACTED], he  
18 proceeded to tell me who she was working with at that time  
19 at Universal.

20 Q Did you know that [REDACTED] was transferring  
21 from West Hollywood Station to the Transportation Bureau?

22 A Not at that time.

23 Q [REDACTED], did anyone ask you to send this  
24 text message?

25 A Not that I recall.



1 Q Now, at some point did you and [REDACTED]  
2 start talking again?

3 A I'm sorry. Can you ask the question again.

4 Q Sure. At some point did you and [REDACTED] start  
5 talking again?

6 A Yes, ma'am.

7 Q Can you tell me how that happened.

8 A I began to become a little fearful and worried  
9 regarding Caren Mandoyan's behavior. I just -- I got a  
10 gut feeling because he continued to go on and on about  
11 her. And something just told me to reach out because  
12 something didn't feel right, especially after him trying  
13 to gain access into my home.

14 Q And just to be clear, at this time that he's  
15 talking about her and you begin to become worried, you and  
16 [REDACTED] were not friends; is that right?

17 A Correct.

18 Q How did you reach out to [REDACTED]

19 A I contacted [REDACTED] because I knew  
20 that she also worked at Universal.

21 Q Was [REDACTED] a friend of yours?

22 A An acquaintance.

23 Q What did you tell [REDACTED]?

24 A I had told her that I was seeing Caren Mandoyan  
25 and something seemed off. Things were a little weird. He

1 continues to speak of [REDACTED] in such a hateful manner.

2 She had said, Oh my gosh, you need to speak to [REDACTED]

3 Q Did you tell [REDACTED] any of the  
4 Appellant's behaviors that concerned you?

5 A Yes, ma'am.

6 Q What specifically?

7 A Him trying to gain access into my home.

8 Q Was there anything else?

9 A Not that I recall.

10 Q After talking to [REDACTED], what happened  
11 next?

12 A She had given [REDACTED] my phone number.

13 Q Then what happened?

14 A Then I spoke to [REDACTED] on the phone and let her  
15 know my concerns and fears.

16 Q Did [REDACTED] tell you anything about what was going  
17 on in her life at that point?

18 A Yes, ma'am.

19 Q What did she tell you?

20 A Just that she's receiving text messages. She  
21 felt that she was being watched and stalked.

22 Q Was there anything else?

23 A Not that I recall.

24 Q Did she say who she felt was stalking her?

25 A Caren Mandoyan.

1           Q    Did she say why she felt he was watching her and  
2   stalking her?

3           A    Just because of their past relationship.

4           Q    Did she tell you anything specific that happened  
5   that caused her to believe that?

6           MR. GOLDFEDER:  I'll object to this point.  I  
7   think we're getting into hearsay.  Lacks foundation.

8           HEARING OFFICER SCULLY:  Overruled.

9           THE WITNESS:  Can you ask the question again.  
10   BY MS. ROAM:

11          Q    Sure.  Did she tell you about anything specific  
12   that had happened that made her believe that the Appellant  
13   was stalking her or watching her at that point?

14          A    Yes, ma'am.

15          Q    What did she tell you?

16          A    She had told me about a domestic violence  
17   incident, about a time that he knew exactly where she was  
18   when she was on vacation with her family.

19          Q    What was [REDACTED]'s -- let me withdraw that.

20                During this time that you are talking to [REDACTED]  
21   what was your relationship with the Appellant like at that  
22   time?

23          A    We were still speaking on text message, and phone  
24   on occasion.

25          Q    Do you recall an incident involving [REDACTED] and

1 Rock & Brews?

2 A Yes, ma'am.

3 Q Can you tell us about that.

4 A So I had received a phone call from  
5 Caren Mandoyan stating that he was on his way to Best Buy  
6 in El Segundo and that he had seen [REDACTED] with a  
7 male walking to Rock & Brews.

8 Q When he told you that -- do you know why he told  
9 you that? Did he say?

10 A No, ma'am.

11 Q When he gave you that information, what did you  
12 do?

13 A I called [REDACTED] and let her know I was in  
14 fear for her safety.

15 Q Why?

16 A Because it just seemed a little strange that he  
17 would run into her.

18 Q Did you speak to [REDACTED] about this?

19 A Yes, ma'am.

20 Q What did she say to you?

21 A She -- I don't recall her exact words, but that  
22 she was in fear and scared, and that there was no Best Buy  
23 in El Segundo.

24 Q Did she confirm that she had, in fact, been  
25 walking to Rock 'n Brews with a male friend?

1           A    Yes, ma'am.

2           Q    [REDACTED], do you know anything about [REDACTED]  
3   getting a restraining order against the Appellant?

4           A    Yes, ma'am.

5           Q    Can you tell us what you know.

6           A    I was there. I went with her to court to file a  
7   restraining order against Caren Mandoyan.

8           Q    Why did you do that?

9           A    For support.

10          Q    Did she, in fact, get a restraining order against  
11   him?

12          A    Yes, ma'am.

13          Q    Do you know who served it?

14          A    I did.

15          Q    Why did you serve it?

16          A    Because --

17               MR. GOLDFEDER: I'll object. There is no  
18   restraining order imposed. There's only a temporary  
19   restraining order, just so the record is clear on that  
20   point.

21               HEARING OFFICER SCULLY: Okay. I suppose a  
22   temporary restraining order is still a restraining order,  
23   but your objection is noted. I think we've had testimony  
24   on that yesterday, also. I think there's a stipulation  
25   there's a temporary restraining order served on the

1 Appellant on July 22, 2015. I think I saw a document in  
2 the record that there was no appearance at the hearing, so  
3 the Court dismissed it.

4 MR. GOLDFEDER: Correct.

5 HEARING OFFICER SCULLY: So I think your  
6 objection is noted.

7 Go ahead with the question, please.

8 MS. ROAM: Thank you, sir.

9 BY MS. ROAM:

10 Q [REDACTED], did you personally serve the  
11 temporary restraining order on the Appellant?

12 A Yes, ma'am.

13 Q Why?

14 A Because [REDACTED] wanted the restraining order to be  
15 served as soon as possible. If we handed it over to the  
16 Department, it would probably take a couple days.

17 Q [REDACTED], after serving the Appellant with a  
18 temporary restraining order, did you ever call him?

19 A No, ma'am.

20 Q Did you ever laugh at the fact that you had  
21 served the temporary restraining order on him?

22 A No, ma'am.

23 MS. ROAM: Okay. I have no further questions.

24 HEARING OFFICER SCULLY: Okay. Thank you.

25 Cross-examine, Mr. Goldfeder?

1 MR. GOLDFEDER: Thank you, Your Honor.

2

3 CROSS-EXAMINATION

4 BY MR. GOLDFEDER:

5 Q Good morning, [REDACTED].

6 A Good morning.

7 Q Is your maiden name [REDACTED] [REDACTED]?

8 A Yes, sir.

9 Q Did you have an occasion to be arrested for a  
10 felony crime of domestic violence back in 2011?

11 MS. ROAM: I'm going to object. I don't believe  
12 this is proper. I think a conviction might go to her  
13 credibility. I don't believe an arrest is relevant.

14 HEARING OFFICER SCULLY: Well, Mr. Goldfeder, how  
15 do you respond to that?

16 MR. GOLDFEDER: I'm just starting off with the  
17 foundational arrest, and I'll get on to the case being  
18 filed and then the ultimate conviction.

19 HEARING OFFICER SCULLY: Was there a conviction?  
20 Do you believe that there's reasonable grounds to believe  
21 there was a conviction of the felony?

22 MR. GOLDFEDER: I believe there was a conviction  
23 on that case under LA Superior Court Case No. [REDACTED].  
24 It was filed December 23, 2011, in Santa Clarita  
25 Courthouse.

1           HEARING OFFICER SCULLY: And it was a misdemeanor  
2 conviction?

3           MR. GOLDWASSER: I believe it was a 243(e)(1)  
4 plea bargain.

5           MS. ROAM: Which would be a misdemeanor. It  
6 would be inappropriate.

7           MR. GOLDFEDER: It goes to the experience base of  
8 this witness. And I believe there was a TRO, which was  
9 also a reason for not being a deputy sheriff any longer.

10          MS. ROAM: I would like to ask the witness to  
11 leave so we can discuss this.

12          HEARING OFFICER SCULLY: Well, I don't think the  
13 fact of arrest is a fact of impeachment; it's just an  
14 accusation. I think if you want to get into experience  
15 base, then you should just get into the experience.

16          MR. GOLDFEDER: That's fine, your Honor.

17          HEARING OFFICER SCULLY: Okay. Is that  
18 sufficiently clear?

19          MR. GOLDFEDER: Certainly.

20          HEARING OFFICER SCULLY: I'm asking you -- I  
21 don't want to preclude your cross-examination, but I don't  
22 think -- the fact of the arrest itself, I don't believe  
23 it's useful or probative.

24          MR. GOLDFEDER: That's fine.

25          HEARING OFFICER SCULLY: It's simply an



1       accusation.

2       BY MR. GOLDFEDER:

3           Q     Were you convicted in the Los Angeles Superior  
4     Court of domestic violence, [REDACTED]?

5           A     No, sir.

6           Q     What happened with that case?

7           A     It was dismissed.

8           Q     What about the restraining order that was imposed  
9     as part of that case?

10          A     It was dismissed as well.

11          Q     But you actually had an emergency protective  
12     order imposed against you?

13          A     Yes, sir.

14          Q     And you had a temporary restraining order imposed  
15     against you as well?

16          A     Yes, sir.

17          Q     You have experience with restraining orders;  
18     isn't it true?

19          A     Yes, sir.

20          Q     When you went to court with [REDACTED], was  
21     that over at the Inglewood Superior Court to get a TRO  
22     packet?

23          A     No, sir. Chatsworth.

24          Q     Chatsworth. Okay.

25                 When you met with Sergeant Roam last Thursday,

1       how long was that interview?

2           A     Approximately, one hour.

3           Q     What did you two talk about?

4           A     The case.

5           Q     Did she show you a lot of documents and things of  
6       that nature?

7           A     Yes, sir.

8           Q     Did she tell you to tell the truth?

9           A     Yes, sir.

10          Q     Did you tell her about any medications you are  
11       taking that would impact your ability to recall events and  
12       specific situations?

13          A     Yes, sir.

14          Q     Are you on those medications here today?

15          A     No, sir.

16          Q     When you say you cannot recall if you sent text  
17       messages to [REDACTED] -- do you know

18       [REDACTED] ?

19          A     Yes, sir.

20          Q     What's your current relationship with

21       [REDACTED] ?

22          A     I do not have one.

23          Q     You two don't talk?

24          A     No, sir.

25          Q     Not friends on Facebook?

1           A    No, sir.

2           Q    When you say you have a hard time recalling, I'm  
3                kind of curious how you differentiate between remembering  
4                a phone call but not remembering if you sent any text  
5                messages to [REDACTED] or [REDACTED].  
6                Can you explain that to us.

7           A    I just don't recall.

8           Q    At any point in time, as part of the medication  
9                program you were under, were you ever committed for a  
10               psychiatric observation?

11           MS. ROAM: I would just object to this. I think  
12               this goes into HIPAA territory about any medical or  
13               psychiatric issues. I don't think it's relevant. But I  
14               think she certainly has a right to privacy. I don't know  
15               what her answers are; but I'm not comfortable with  
16               Counsel's question.

17           HEARING OFFICER SCULLY: Can I ask the witness to  
18               step out in the hall for a minute.

19           THE WITNESS: Yes, sir.

20               (The witness exited the room.)

21           HEARING OFFICER SCULLY: Thank you.

22               I want to be respectful, and since there's a  
23               witness's right to privacy and medical -- and her medical  
24               condition is certainly something that she has a right to  
25               keep private. On the other hand, she has said in direct

1       that her medical condition, or at least medication, has  
2       impacted her ability to recall events from 2015.

3               She has recalled certain events, mostly that  
4       would be facts that are somewhat -- that portray the  
5       Appellant in a bad light. So I kind of think there's a  
6       right to cross-examine her to see how bad is the memory so  
7       that I can understand that issue.

8               So that's what I'm concerned with. So I think I  
9       need to balance the right to cross-examine her with her  
10      own right of privacy. And to a certain extent, when she  
11      comes as a witness and puts forth her credibly and says,  
12      I'm on medication in 2015, and it's impacted my ability to  
13      recall facts, well, you know, it kind of, I don't  
14      know -- may be a waiver of that right of privacy to that  
15      extent.

16              That's what I'm thinking. What are your  
17      thoughts, Mr. Goldfeder?

18              MR. GOLDFEDER: Exactly, Your Honor. I think we  
19      have selective recollection here, which is quite  
20      interesting considering the hour or so of time spent with  
21      the Department in this case. And all of a sudden  
22      everything is "I can't recall," "not that I can recall."

23              So essentially, we're recalling certain thing s  
24      that are in the Department's interest after there's a  
25      interview being conducted. So I would think her

1 medications and her psychiatric commitment is relevant and  
2 germane as to her credibility on cross-examination.

3 MS. ROAM: I just want the record to be clear, I  
4 object to Appellant's insinuation that I met with this  
5 witness and now she doesn't recall. She gave an IAB  
6 interview. We have that transcript. Counsel can  
7 certainly cross-examine her with anything. I'm just going  
8 to leave that there.

9 HEARING OFFICER SCULLY: I didn't pick up on any  
10 inference that -- or accusation that her lack of memory is  
11 due to meeting with you or they're somehow related. But  
12 maybe you're more sensitive to that than I am.

13 What do you think about the whole issue of her  
14 medical condition and whether or not she's impliedly  
15 waived a certain amount of privacy just by coming --  
16 agreeing to testify as a witness and essentially putting  
17 her own recollection and her own credibility in play, if  
18 you will, to be examined by the hearing?

19 MS. ROAM: I absolutely understand. I think it's  
20 a tightrope. I think it's very difficult because she does  
21 have certain privacy rights, and her credibility is at  
22 issue. She didn't volunteer to come in; she was ordered  
23 by the Department and subpoenaed. I'm just trying to  
24 balance that as a Department representative and not force  
25 her to violate her HIPAA rights by disclosing information

1       that -- frankly, the answer may be innocuous. I don't  
2       know what the answer is. I did not ask.

3               HEARING OFFICER SCULLY: I don't know the answer  
4       either. So the other thing is -- I don't know if I even  
5       need to think about this, but she doesn't have a lawyer.  
6       So she has nobody advising her and trying to protect her  
7       rights. And I'm not sure how far her rights to privacy  
8       go. I'm not sure where to draw the line.

9               MS. ROAM: I think what we do -- I'm sorry. I  
10      didn't mean to interrupt you.

11              HEARING OFFICER SCULLY: I think I interrupted  
12      you.

13              MS. ROAM: She's testified she was on medication.  
14      She's testified that she doesn't recall everything. I  
15      think that all goes to the ultimate credibility  
16      determination that you are going to make. I understand  
17      it's not optimal.

18              HEARING OFFICER SCULLY: Well, I mean, I'd like  
19      as many facts as possible so that I don't fill in the  
20      facts with my own, you know, musings or speculations, I  
21      guess you could say. In other words, I would like to be  
22      as exact and accurate as possible.

23              Do we have any notion of what medication she's  
24      on? Does anybody know that informally?

25              MS. ROAM: She told me pain medication.

1 HEARING OFFICER SCULLY: Pain medication.

2 MS. ROAM: That she was on pain medication.

3 HEARING OFFICER SCULLY: Did she have any kind of  
4 psychiatric diagnosis?

5 MS. ROAM: Not that I'm aware of.

6 HEARING OFFICER SCULLY: Mr. Goldfeder, do you  
7 know?

8 MR. GOLDFEDER: She was institutionalized for a  
9 psychiatric hold, and that's the point I needed to bring  
10 to bear here. So either she's going to tell the truth  
11 about that -- she's already disclosed medications to  
12 Department representatives, so I think that negates any  
13 HIPAA issues at this point.

14 But I'm concerned about the selective  
15 recollection here in conjunction with, you know,  
16 medications that are, in fact, impacting her ability to  
17 recall events selectively. And that really is an  
18 inappropriate due process violation for my client here in  
19 this matter.

20 She could have asserted her constitutional right  
21 of privacy under Article 1 and Section 1 of the California  
22 Constitution when she went in to talk with the  
23 Department's representative. She could have contacted an  
24 attorney. She could have done a multitude of things. Now  
25 she comes here and states select facts. And when I start

1 to inquire further about various things in her life, such  
2 as a case filed against her and the temporary restraining  
3 order imposed against her, the relationship with  
4 [REDACTED], who was a witness called by the  
5 Department here -- now were getting into all these HIPAA  
6 objections and various other things when I think it's an  
7 inappropriate way of avoiding, you know, the crucible of  
8 cross-examination.

9 I'm not getting into anything beyond exploring  
10 her statements that she has "a hard time recalling," "not  
11 that I recall," and then all of a sudden recalls some  
12 event when questioned during her direct examination. I  
13 think that is rather skewed at this point based upon the  
14 objections that I've heard. And her opportunities to come  
15 in with counsel or even refuse to testify based upon --  
16 whether she had obtained a note from her doctor that this  
17 would be too trying an event for her and whatnot.

18 So it's leaving a great big, Grand Canyon-sized  
19 gap here at the moment. And that's not fair and balanced  
20 to both sides to have an opportunity to examine or explore  
21 the various issues with these witnesses.

22 HEARING OFFICER SCULLY: Well, I think I  
23 generally agree with Mr. Goldfeder. I think that if you  
24 come in and testify in a case, and you acknowledge that  
25 you're on medication -- I guess she's not on it now, but



1 she was in the past is what she said -- that at the time  
2 of the relevant events that she's testified about -- and  
3 you acknowledge that it hurt your memory, that it impacted  
4 your memory in ways you can't be clear of -- all of which  
5 I think she said -- then she has, I think, opened herself  
6 up to a certain degree of cross-examination on that topic.

7 I don't think the cross-examination has gone  
8 beyond, really, the issues she's put into dispute with her  
9 testimony. It hasn't gone into other areas of privacy  
10 that she would hold are not related. So I think the  
11 cross-examination is focused -- on a limited focus on the  
12 areas that she's brought into controversy by her statement  
13 about her medication and lack of memory.

14 And I think that, therefore, I'm going to allow  
15 those questions. I think it is kind of a fine line,  
16 and -- but I think we need to do that because the  
17 alternative would be that she not be allowed to testify at  
18 all, which I don't think the Department wants to agree to.

19 MS. ROAM: I would agree with that, sir.

20 HEARING OFFICER SCULLY: Let's go ahead.

21 Mr. Goldfeder, on your cross-examination I'd ask  
22 you to just keep the questioning on relevant issues, which  
23 I have every expectation and confidence you will do.

24 MR. GOLDFEDER: Thank you, Your Honor.

25 MS. ROAM: Thank you.

1 (The witness re-entered the room.)

2 HEARING OFFICER SCULLY: [REDACTED], you know  
3 we had a discussion. Some of the questioning about your  
4 medical history -- we want to be sensitive to your right  
5 to privacy but on the other hand, since you have  
6 acknowledged that you were on medication that affected  
7 your memory, I think it's fair to allow Mr. Goldfeder to  
8 explore that issue a little bit.

9 We're not doing it to embarrass you or to invade  
10 your privacy. But to better understand your testimony;  
11 and specifically, whether there's any -- how much impact  
12 the medication you've taken has had on your memory. So I  
13 just want to let you know that's why there's questions  
14 about your medical history. It's not to attack you or any  
15 improper purpose.

16 Do you understand that?

17 THE WITNESS: Yes, sir.

18 HEARING OFFICER SCULLY: All right.

19 I'll remind you, you're still under oath.

20 Mr. Goldfeder, please continue.

21 MR. GOLDFEDER: Thank you, your Honor.

22 BY MR. GOLDFEDER:

23 Q At the time you were involved with  
24 Deputy Mandoyan -- could you give us a time reference on  
25 that.

1           A    Approximately, one month.

2           Q    Do you remember what month and what year?

3           A    May to June of 2015.

4           Q    Was that an intimate relationship between the two  
5 of you?

6           A    Yeah.

7           Q    So at some point in June of 2015 that  
8 relationship concluded between the two of you?

9           A    Yes, sir.

10          Q    Now, during that time frame, had Mr. Mandoyan  
11 come over and stayed at your residence at any point in  
12 time?

13          A    Yes, sir.

14          Q    Did you and Mr. Mandoyan have discussions about  
15 some of your medical issues? Were those brought up in  
16 your conversations?

17          A    I don't recall.

18          Q    Were you ever committed to a psychiatric  
19 observation at some point in time before you started your  
20 relationship with Deputy Mandoyan?

21          A    I will not answer that.

22          Q    Okay. So you are refusing to answer that  
23 question?

24          A    Yes, sir.

25               MR. GOLDFEDER: Then I will make a motion that at

1       this juncture, Your Honor, that my cross-examination is  
2       being restricted by the witness. I don't know if she can  
3       be ordered or compelled to answer. But if she doesn't  
4       want to answer this question, I will move to have her  
5       entire testimony stricken.

6               HEARING OFFICER SCULLY: Okay. So your motion is  
7       noted. I won't make any decision on that now. Why don't  
8       we do as much cross-examination as you can. And then we  
9       can talk about any -- we can talk about, overall, what we  
10      do with the testimony.

11             MR. GOLDFEDER: Thank you, Your Honor.

12       BY MR. GOLDFEDER:

13             Q    You said you went with [REDACTED] to serve a  
14       temporary restraining order on her behalf on  
15       Mr. Mandoyan; is that correct?

16             A    Yes, sir.

17             Q    At any point in time were you ever interviewed by  
18       the El Segundo Police Department?

19             A    I don't recall.

20             Q    Is it possible that you were?

21             A    Yes.

22             Q    But you don't have a memory of that, do you?

23             A    No. No, sir.

24             Q    Were you taking medication in 2015?

25             A    Yes, sir.

1 Q Do you remember serving the restraining order?

2 A Yes, sir.

3 Q Was El Segundo Police Department present when you  
4 served the restraining order?

5 A Yes, sir.

6 Q Did you ever request that El Segundo Police  
7 Department serve the restraining order as opposed to  
8 yourself?

9 A I don't recall.

10 Q Was there any reason for you not to have  
11 El Segundo Police Department serve the restraining order  
12 on Mr. Mandoyan since they were present -- I take it at  
13 his residence -- to have this restraining order served?

14 A I don't recall.

15 Q Is the reason you don't recall because of the  
16 medications you were taking at the time?

17 A No. I don't recall because it was so long ago.

18 Q Is your memory impacted to the extent that you  
19 might have done things, and someone will tell you about  
20 them, and you don't recall doing them? How is your memory  
21 impacted if you had to describe it to us today?

22 A Just certain things I do not recall.

23 Q Sending text messages to [REDACTED] is  
24 something you would not be able to recall?

25 A No, sir.

1           HEARING OFFICER SCULLY: Are you agreeing with  
2 him, or are you saying, No, that's not correct? Are you  
3 saying sending text messages is something you would not  
4 recall?

5           THE WITNESS: Correct.

6           HEARING OFFICER SCULLY: Okay. So it is correct  
7 that sending text messages is something that you wouldn't  
8 recall.

9           THE WITNESS: Correct.

10 BY MR. GOLDFEDER:

11           Q Do you remember approximately when you reached  
12 out to [REDACTED]?

13           A Approximately the end of June 2015.

14           Q Was that after you and Deputy Mandoyan concluded  
15 your relationship?

16           A No, sir.

17           Q So it was still going on at that time?

18           A We were still talking.

19           Q Were you still having an intimate relationship or  
20 just talking?

21           A I don't recall.

22           Q When was the last time before June 2015 you had  
23 any discussions, texts, phone calls, e-mails, or any  
24 communication with [REDACTED]?

25           A Are you asking prior to reaching out to her?

1 Q Correct.

2 A I don't recall any messages. I know that we were  
3 friends on social media.

4 Q When you say you reached out to [REDACTED] in June  
5 of 2015, had there been a period of time that you were not  
6 communicating with her?

7 A Yes, sir.

8 Q How long of a period of time would that encompass  
9 before June of 2015?

10 A I don't recall.

11 Q Could it have been several years?

12 A It could have been.

13 Q Where did you work with [REDACTED]?

14 A At Twin Towers.

15 Q What years were you at Twin Towers?

16 A From 2006 until now.

17 Q During that time frame that you were at  
18 Twin Towers, did [REDACTED] transfer to a different  
19 unit of assignment?

20 A I don't believe I was there when she transferred.

21 Q Okay. So there was a point in time where you  
22 were not at Twin Towers with [REDACTED]?

23 A Correct.

24 Q You don't recall how long a gap it was between  
25 the time you reached out to her in June of 2015 to your

1 last communication with her prior to that date?

2 A No, sir.

3 Q Could it have been more than several years?

4 A Approximately a couple years.

5 Q What was your reason for reaching out to

6 [REDACTED] in June of 2015?

7 A To get in contact with [REDACTED].

8 Q When you reached out to [REDACTED], did you

9 request information from [REDACTED] about

10 [REDACTED]?

11 A Yes. Her phone number.

12 Q Did you also ask [REDACTED] if she had a

13 phone number contact for [REDACTED]?

14 A Yes.

15 Q Was that phone number of [REDACTED] provided to  
16 you?

17 A I don't recall because [REDACTED] had called me.

18 Q So either way, at some juncture [REDACTED] had

19 reached out to you through your request through [REDACTED]

20 and then you had the number for [REDACTED] when she

21 contacted you?

22 A Yes, sir.

23 Q Now, were you ordered to appear with

24 Sergeant Roam last Thursday?

25 A I don't believe I was ordered.



1           Q    How did that communication come to your attention  
2   about the interview last Thursday?

3           A    Sergeant Roam had e-mailed me.

4           Q    Are you currently on medical leave?

5           A    No, sir.

6           Q    You're back to work currently?

7           A    Yes, sir.

8           Q    At any point in time were you concerned about  
9   your safety with Deputy Mandoyan?

10          A    Yes, sir.

11          Q    Did you make any contact with law enforcement?

12          A    No, sir.

13          Q    Did you make any contact with the Los Angeles  
14   County Sheriff's Department?

15          A    No, sir.

16          Q    But you were not concerned when you walked up and  
17   handed Deputy Mandoyan a temporary restraining order?  
18   Were you not in fear on that particular occasion?

19          A    Two El Segundo officers were by my side.

20          Q    But you told us you were concerned or fearful of  
21   him; correct?

22          A    Correct.

23          Q    But you chose to hand him papers personally  
24   yourself; isn't it true?

25          A    That is true.

1 Q Did [REDACTED] request that you do that?

2 A I don't recall how it came about.

3 Q So you don't know one way or the other. Is that  
4 because of your medications that you were taking?

5 A No. Because it was so long ago.

6 Q So you can differentiate between what impacts  
7 your mind or your memory from the past either being too  
8 long ago or being affected by your medication?

9 A I don't recall.

10 Q This phone call that you purportedly received in  
11 regard to [REDACTED] walking with some other individual  
12 while Deputy Mandoyan was going to a Best Buy store, do  
13 you remember the approximate date or month when that phone  
14 call was made?

15 A I don't recall.

16 Q Was it made on your birthday?

17 A No.

18 Q How long of a time period had elapsed before you  
19 started talking again with [REDACTED]?

20 A What do you mean?

21 Q When did you first start talking with  
22 [REDACTED]?

23 A Back in 2007, 2008.

24 Q Then there was a point in time whereby you two  
25 never spoke --

1           A    Correct.

2           Q    -- up until, you said, June 2015.  Is that when  
3   you rekindled that line of communication with [REDACTED]  
4   [REDACTED].

5           A    Yes, sir.

6           Q    That's around the same time your relationship  
7   concluded with Deputy Mandoyan?

8           A    Yes, sir.

9           MR. GOLDFEDER:  Nothing further.

10          HEARING OFFICER SCULLY:  Okay.  Thank you.

11          Any redirect?

12          MS. ROAM:  A few.  A little bit.

13          HEARING OFFICER SCULLY:  Okay.

14

15                               REDIRECT EXAMINATION

16   BY MS. ROAM:

17          Q    [REDACTED], you just testified on  
18   cross-examination that you were concerned about your  
19   safety because of the Appellant.

20               Can you tell us why you were concerned.

21          A    Mr. Mandoyan was a bit pushy, a bit aggressive  
22   when it came to hanging out.  And since I had previously  
23   been in a domestic violence relationship, it sent some red  
24   flags.  And then when he decided to break into my house, I  
25   became fearful.

1           Q    Counsel asked you on cross-examination questions  
2           about why you served the Appellant with the temporary  
3           restraining order.

4                    So let me ask you: Did you serve that out of  
5           retaliation?

6           A    No, ma'am.

7           Q    You've also testified that you were under  
8           medication during that period of time; is that correct?

9           A    Yes, ma'am.

10          Q    The things that you testified to, are you telling  
11       the truth today?

12       A    Yes, ma'am.

13                   MS. ROAM: I have no further questions.

14                   HEARING OFFICER SCULLY: Okay.

15                   Any recross?

16                   MR. GOLDFEDER: Yes.

17

18                                   RECROSS-EXAMINATION

19       BY MR. GOLDFEDER:

20           Q    There's a point in time you were saying you were  
21       fearful of Deputy Mandoyan. That wasn't anything that you  
22       indicated during the purported entry into your home  
23       through the window.

24                   Do you remember that testimony?

25       A    I don't understand your question.

1 Q Do you remember being interviewed by  
2 [REDACTED]?

3 A Yes, sir.

4 HEARING OFFICER SCULLY: I'm sorry. Is that a  
5 "yes" or a "no"?

6 THE WITNESS: I recall being interviewed by  
7 [REDACTED].

8 BY MR. GOLDFEDER:

9 Q Do you remember telling [REDACTED] about  
10 this episode with the window over at your apartment?

11 A Yes, sir.

12 Q Were you taking medication at the time that  
13 episode was taking place?

14 A During the interview or during the break in?

15 Q During the incident with the window here that you  
16 discussed.

17 A Okay. The break-in. Yes, I was.

18 Q When you say "break-in," did you report anything  
19 about this?

20 A No, I did not.

21 Q Did you testify that -- let me get you -- if you  
22 could turn to No. 15 in the binder there. If you could  
23 turn to page 8 of 18.

24 So the question was asked by [REDACTED]:  
25 "And did he threaten you at any point?" And you

1       responded: "No."

2               Is that a true statement at that time?

3       A    Yes.

4       Q    He didn't throw anything at you either, did he?

5       A    No, sir.

6       Q    Do you know the reason he was over at your  
7 apartment?

8       A    Only from what he stated.

9       Q    Was he there because you weren't answering your  
10 phone because of medications that you were taking?

11      A    I don't recall.

12      Q    So that was possible that was the reason why  
13 Mr. Mandoyan went to your residence to check on your  
14 welfare and safety?

15      A    Anything is possible.

16      Q    What types of medications were you taking around  
17 the time this appearance of Mr. Mandoyan over at your  
18 apartment occurred?

19      A    I don't feel comfortable stating that.

20      Q    Were these medications related to any kind of  
21 psychiatric treatment?

22      A    No.

23      Q    Were these medications that were related to any  
24 type of psychiatric hold?

25      A    No.

1 Q Did you ever, at some point in time, overdose  
2 with your medications?

3 A No.

4 Q Did you talk to Deputy Mandoyan when he was over  
5 at your apartment on that particular evening?

6 A Yes.

7 Q How long was that conversation?

8 A Approximately two to three minutes.

9 Q You weren't threatened or fearful that night?

10 A I was fearful. I told him to leave.

11 Q Did he leave?

12 A After a couple minutes he did.

13 Q Was he asking you about your inability to answer  
14 the telephone?

15 A No.

16 Q But you specifically remember that?

17 A I remember him asking me to come out and smoke,  
18 and I continued to tell him no.

19 Q What was your reason for reaching out to  
20 [REDACTED] after not talking to her for several  
21 years?

22 A To get in contact with [REDACTED].

23 MR. GOLDFEDER: Nothing further.

24 HEARING OFFICER SCULLY: Okay.

25 Anything further?

1 MS. ROAM: I have nothing. Thank you.

2 HEARING OFFICER SCULLY: Okay.

3 I think, [REDACTED], you're all finished for  
4 today. Thank you for coming in. Thank you for your  
5 cooperation. You are free to go.

6 THE WITNESS: Thank you.

7 MS. ROAM: My next witness is here. Are we going  
8 to continue? I don't know what time you want to take a  
9 morning break.

10 HEARING OFFICER SCULLY: Let's keep going.  
11 Unless anybody needs to take a break, we can.

12 MS. ROAM: Sir, the Department's next witness is  
13 [REDACTED].

14 HEARING OFFICER SCULLY: Okay. Ma'am, can you  
15 raise your right hand, please.

16  
17 [REDACTED]  
18 called as a witness for and on behalf of the Department,  
19 and having been first duly sworn by the Hearing Officer,  
20 was examined and testified as follows:

21  
22 HEARING OFFICER SCULLY: Thank you. Have a seat.  
23 State and spell your name, please.

24 THE WITNESS: My name is [REDACTED],  
25 [REDACTED]; last name [REDACTED].



1 HEARING OFFICER SCULLY: Okay. Thank you.  
2 Sergeant Roam, please go ahead.  
3 MS. ROAM: Thank you.  
4

5 DIRECT EXAMINATION

6 BY MS. ROAM:

7 Q Good morning, [REDACTED].

8 A Good morning.

9 Q Have you and I met before?

10 A No.

11 Q Have we spoken?

12 A Yes.

13 Q Was it related to this case?

14 A Yes.

15 Q You currently are employed by the Sheriff's  
16 Department; is that correct?

17 A Yes.

18 Q How long have you been so employed?

19 A For over 27 years.

20 Q What is your current assignment?

21 A I'm currently assigned to Cerritos Sheriff's  
22 Station.

23 Q When did you promote to lieutenant?

24 A August of 2014.

25 Q Prior to August of 2014, where were you assigned?

1           A    West Hollywood Sheriff's Station.

2           Q    How long did you work at West Hollywood Station?

3           A    Off and on for approximately 12 years. Off and  
4 on because I had temporary assignments elsewhere for a few  
5 years.

6           Q    So let's talk about immediately prior to your  
7 promotion. How long had you been at West Hollywood at  
8 that point, if you recall?

9           A    Probably three years, I'd been back.

10          Q    Now, do you know the Appellant in this matter,  
11 Caren Mandoyan?

12          A    Yes.

13          Q    How do you know him?

14          A    He was a deputy at West Hollywood Sheriff's  
15 Station.

16          Q    How would you describe your relationship with  
17 him?

18          A    It was friendly.

19          Q    Did you ever socialize off duty?

20          A    No.

21          Q    At some point did you learn that the Appellant  
22 was dating a deputy by the name of [REDACTED] ?

23          A    I didn't know that they were dating. I think  
24 much, much later -- I think I was already gone from  
25 West Hollywood by the time I knew -- actually, no. Back

1       that up.

2               I think I did while he was there -- while she was  
3 there, I did find out they were dating. He was already  
4 gone. He went to another station.

5               Q   Do you know what Deputy Mandoyan's, or the  
6 Appellant's, relationship was to [REDACTED] when they  
7 worked together at West Hollywood?

8               A   He was her training officer.

9               Q   You testified that at some point the Appellant  
10 transferred from West Hollywood; is that correct?

11              A   Yes.

12              Q   Do you know when that was?

13              A   No.

14              Q   When he transferred from West Hollywood, do you  
15 know where he was working?

16              A   Yes. He went to -- I think it had changed to the  
17 South Los Angeles -- or South Los Angeles and Lennox  
18 Station.

19              Q   After he transferred, did you become aware that  
20 the Appellant continued to talk to [REDACTED]  
21 frequently on the phone?

22              A   I wasn't aware. I was told she was -- or he told  
23 me that they were. It was just suspected. It was  
24 rumored. That's what folks who worked there said.

25              Q   What did you hear?

1           A    I heard they would often talk on the phone while  
2 she was working and handling her calls for service. But I  
3 never asked her directly; and I never overheard any of the  
4 conversations.

5           Q    So you have no personal knowledge whether or not  
6 [REDACTED] was initiating these calls or whether the  
7 Appellant was initiating these call; is that fair?

8           A    That is correct.

9           Q    After he transferred from West Hollywood to  
10 South LA, were there occasions that you would see him at  
11 West Hollywood Station?

12          A    Yes.

13          Q    Can you tell us about that.

14          A    It would be the times when he was not working,  
15 because he was not in uniform, and he would be up there  
16 visiting with her.

17          Q    When he was there at the station visiting her,  
18 was she on duty or off?

19          A    She was on duty.

20          Q    Did he know she was on duty?

21          A    Yes.

22          Q    Can you tell us how many times did you see him  
23 there at the station?

24          A    I can think of at least three different occasions  
25 that I saw him in the dispatch area.

1           Q   Describe the dispatch area, if you would.  What  
2   is the dispatch area?

3           A   The dispatch area at the West Hollywood Station  
4   is where the watch deputy sits, along with other personnel  
5   that answer the phones and take calls for service.  That  
6   is also where calls are dispatched out of, and that  
7   dispatch area.  And it's right across the hallway from the  
8   watch sergeant's office, so you can see in there.

9           Q   Was [REDACTED] working in dispatch during  
10  these occasions?

11          A   Yes.

12          Q   When you would see the Appellant in the dispatch  
13  area, what was he doing?

14          A   Just hanging out.  Sitting there talking to her,  
15  interacting with others that were in there.

16          Q   Do you have an estimate as to how long he would  
17  be there in the dispatch area hanging out?

18          A   I know it was for -- I know it was for at least  
19  more than a half hour.  Because I know at one point I'd  
20  made a comment to him about hanging out in the dispatch  
21  area, especially since he was no longer assigned there.

22          Q   So tell us about that.  Tell us how you came to  
23  say something to him about hanging out in the dispatch  
24  area.

25          A   Again, it was just after seeing him there on

1 numerous occasions for extended periods of time. And I  
2 don't know the exact amount of time. I just know it just  
3 seemed too long for someone who was not assigned there.  
4 And he would be in there, talking; and occasionally, he'd  
5 answer a phone or something to help out because he was  
6 familiar with how to work in the area.

7 I just finally told him that wasn't acceptable.  
8 He wasn't assigned there, and that it wasn't acceptable to  
9 continue to hang out there.

10 Q After you told him that, did you see him in the  
11 dispatch area?

12 A I don't recall. I know that it certainly -- if I  
13 did, it certainly tapered down. But I don't remember  
14 seeing him as often, if at all, after that.

15 Q Were you aware that the Appellant was hanging out  
16 at the station or in the station area when [REDACTED]  
17 was working and he was off duty?

18 A Was I aware of it?

19 Q Yes.

20 A Yes. Because I witnessed it in the dispatch  
21 area.

22 Q Other than that, did you receive any other  
23 information about that?

24 A Again, it's just hearing the staff and the  
25 deputies around there talk, that he was just hanging out.

1 I don't know for sure. I think at one point she was  
2 assigned to Universal because it was a substation of  
3 West Hollywood. Again, just from hearing people talk  
4 about it, but I didn't see that part of it.

5 Q Did you ever talk to any of the -- strike that.

6 Did you ever talk to any other West Hollywood  
7 supervisors that told you that the Appellant continued to  
8 hang out in the station area?

9 A The only other person that I talked to was my  
10 partner/sergeant at the time, and we mirrored -- our  
11 schedules mirrored each other. That was Sergeant Eddons.  
12 We talked about how it was not acceptable for him to come  
13 to hang out at West Hollywood. But no other supervisor.  
14 I don't recall.

15 Q When you talked to Sergeant Eddons about this,  
16 did Sergeant Eddons indicate whether or not he had  
17 observed the Appellant hanging out in the area?

18 A Yes.

19 Q What did Sergeant Eddons tell you?

20 A Just, basically, he agreed with me that it's just  
21 not appropriate.

22 Q Did he share any experiences when he had observed  
23 the Appellant?

24 A We talked about him being there when he was  
25 there. So yes, he witnessed probably the same thing I

1 did.

2 Q Now, at some point did you learn that the  
3 Appellant was no longer dating [REDACTED]?

4 A Yes.

5 Q How did you learn that?

6 A I think Mandoyan told me.

7 Q Do you recall what Deputy Mandoyan told you?

8 A Basically, that they weren't dating; and  
9 basically, it ended badly.

10 Q Did he give you any other facts about it or  
11 details?

12 A Something about -- just that she called him  
13 numerous times, or invited him numerous times over to her  
14 house. Something about she was trying to put a case on  
15 some other guys for raping her. That was pretty much it.  
16 That was well after the fact. That was one day when I was  
17 working at IRC, and he was working overtime over there,  
18 and that's when we had that conversation.

19 Q Do you recall about what time period that would  
20 have been?

21 A No.

22 Q Fair to say that the Appellant was disparaging  
23 [REDACTED]'s character?

24 A He wasn't happy with her. Yes.

25 Q Did you ever talk to [REDACTED] about the



1 things that he told you?

2 A No.

3 Q Now, [REDACTED], you were interviewed as  
4 part of this administrative investigation; is that  
5 correct?

6 A Yes.

7 Q And you recall being interviewed by then  
8 sergeant, now [REDACTED]?

9 A I do.

10 Q And there's a binder in front of you. If you  
11 would turn to Exhibit 31. It should be the very last  
12 exhibit, although there's a bunch of tabs there.

13 A It will be at the end; right?

14 Q At the very end, yeah.

15 A All right. Okay. I'm there.

16 Q [REDACTED], do you recognize this  
17 document?

18 A Yes.

19 Q You've seen it before?

20 A Yes.

21 Q What is it?

22 A It's a transcript of my interview with now  
23 [REDACTED].

24 Q Okay. And just to be clear, because I may not  
25 have been, you said when you saw the Appellant hanging out

1 at the station -- did you talk to him about that?

2 A Yeah. I mentioned it to him.

3 Q What did you say to him?

4 A I don't know exactly; but pretty much along the  
5 lines of, It's not appropriate for you to hang out like  
6 this.

7 Q Did you make it clear to him that he should not  
8 be hanging out in the station?

9 A Yes. I thought I did.

10 MS. ROAM: I have no further questions.

11 HEARING OFFICER SCULLY: Okay.

12 Cross-exam?

13 MR. GOLDFEDER: Thank you, your Honor.

14

15 CROSS-EXAMINATION

16 BY MR. GOLDFEDER:

17 Q Good morning, [REDACTED].

18 A Good morning.

19 Q When Deputy Mandoyan was working overtime at IRC,  
20 was that your first assignment as a lieutenant?

21 A Yes.

22 Q Did he come up to see you as part of his duties,  
23 or was there professional interaction when he spoke to you  
24 when he was working overtime in IRC?

25 A He came to see me because he wanted to visit. We

1 had a friendly relationship.

2 Q So he's handling his duties at IRC and then came  
3 up and spoke to you. Did he congratulate you on your  
4 promotion?

5 A I don't recall.

6 Q At that point in time you mentioned that  
7 Deputy Mandoyan was over in the dispatch area at  
8 West Hollywood. Was he helping typing in calls or giving  
9 instructions to [REDACTED] or anybody else?

10 A Yes.

11 Q So even though he's in civilian clothes, he was  
12 trying to assist the process at dispatch. Is that a fair  
13 characterization?

14 A Yes.

15 Q So he wasn't in there having a party and telling  
16 people not to answer the phones or anything like that, was  
17 he?

18 A No.

19 Q Is that something that Deputy Mandoyan would do,  
20 ignore police work or interfering with anybody doing their  
21 jobs?

22 A No. He was a hard worker.

23 Q At the point in time you were a sergeant at  
24 West Hollywood, can you describe what kind of interactions  
25 you had with [REDACTED].

1           A    When you say "what type of interactions," what do  
2   you mean? I was her supervisor. She worked the shift  
3   that I was on.

4           Q    What shift? P.M. shift?

5           A    I worked days and P.M.s.

6           Q    Okay. And she worked both those shifts with you  
7   at different times?

8           A    And I probably was working earlies on overtime.

9           Q    If you could, [REDACTED], just turn to  
10  page 5 of Exhibit 31.

11          A    I'm there.

12          Q    The large paragraph near to the top where it says  
13  "[REDACTED] and it says "I'm sure," if you'd just read that  
14  particular passage to yourself and let me know when you  
15  are done. I want to ask you a few questions about that.

16          A    Yes.

17          Q    What did you mean when you told

18  [REDACTED] -- first of all, let me -- did

19  [REDACTED] ask you if there were any issues with  
20  [REDACTED] not showing up to briefings? Do you remember that  
21  in your interview?

22          A    By reading that in the paragraph above in the  
23  interview, yes.

24          Q    Does it help refresh your recollection that that  
25  question was asked by [REDACTED]?

1           A    Yes.

2           Q    What was your response to that?

3           A    Do you want me to read it?

4           Q    Just generally.

5           A    That she was a problematic employee.

6           Q    When you say "problematic employee," there's  
7 different definitions for different folks. What does that  
8 mean to you when you use that term?

9           A    When I use it, I mean her attendance at work was  
10 spotty. She was late. She didn't necessarily get along  
11 well with others. She was just problematic.

12          Q    At the point in time you are making all these  
13 observations, was [REDACTED] off training?

14          A    I don't recall because she's was on training for  
15 a long time. If I remember correctly, she was injured or  
16 something.

17          Q    Let me try to ask it this way: At the point in  
18 time Deputy Mandoyan left the station and went to South  
19 Station, the old Lennox Station, was [REDACTED] a  
20 problematic employee after the time Deputy Mandoyan left?

21          A    Yes.

22          Q    In addition to being late at work and not getting  
23 along with others, would she call in frequently, be late  
24 for briefings, things of that nature?

25          A    Yes.

1           Q    Was that anything that, in your estimation, was  
2   the responsibility or impetus of Deputy Mandoyan?

3           A    Was it his responsibility for her to be late?

4           Q    Correct.

5           A    No.

6           Q    So she's a problematic employee on her own right.  
7   It's not Deputy Mandoyan telling her not to come to  
8   briefings, be a problematic employee, or not get along  
9   with others.

10          A    Not to my knowledge.

11          Q    Is that something you would expect  
12   Deputy Mandoyan to do, to tell another deputy sheriff to  
13   be disrespectful, to not show up on time?

14          A    No.

15          Q    When Deputy Mandoyan was over at West Hollywood  
16   Station, how long a period of time were the both of you  
17   working there, in, you know, months or years? Just your  
18   best estimate.

19          A    I don't recall. When I arrived at West Hollywood  
20   Station -- I know he trained there, and I had been there  
21   since 2002. So I don't know.

22          Q    In conjunction with your experience with  
23   [REDACTED] in contrast with your experience with  
24   Deputy Mandoyan, was Deputy Mandoyan a problematic  
25   employee?

1           A    No.

2           Q    Was he a field training officer at West Hollywood  
3           at some point in time?

4           A    Yes.

5           Q    What are the requirements for somebody to be a  
6           field training officer?

7           A    At that time it was a selection process that the  
8           staff, the operation staff, at West Hollywood did.  And  
9           basically, we just wanted someone who was knowledgeable  
10          and was a hard worker and that had a good attitude and  
11          would be able to train and teach somebody.

12          Q    Did Deputy Mandoyan fill those requirements?

13          A    Yes.  He was a hard worker.

14          Q    Was he not not showing up for briefings?

15          A    No.

16          Q    Would Deputy Mandoyan -- when he was assigned to  
17          West Hollywood, would he ever stay after his shift and,  
18          you know, hang out in the briefing area, if you can  
19          recall?

20          A    I'm sure.  I mean, people didn't often leave  
21          directly.  Sometimes he'd hang out for a few minutes  
22          before he'd get out.

23          Q    Was he ever disruptive when he was doing that?

24          A    No.

25          Q    When he was hanging out in the dispatch area when

1 he was working at West Hollywood, whatever number of  
2 occasions when he was doing that, when his shift was over,  
3 was he helping out as opposed to distracting people from  
4 doing their jobs?

5 A I don't recall. Probably so. I don't recall  
6 anything in particular.

7 Q Okay. He wasn't in there, you know, leading any  
8 kind of insurrection or telling people to leave their, you  
9 know, computer terminals, or doing anything to impede the  
10 progress of the station?

11 A No.

12 Q So would it be correct to say that, when  
13 Deputy Mandoyan was at West Hollywood Station after he had  
14 been reassigned over to the South Station, that it was  
15 just more of a situation whereby, you know, you don't work  
16 here anymore. You know, let people do there job? Would  
17 it be along those lines?

18 A Yes.

19 Q But it wasn't being disruptive by causing  
20 somebody not to do their job. Is that a fair statement?

21 A No. Yes, that is a fair statement.

22 Q Okay. Besides being late to work and not getting  
23 along with others, what other issues did you have with  
24 [REDACTED] during the time period you were a  
25 sergeant over at West Hollywood Station.



1           A    She was just -- she just did not go along with  
2   the program.  I can remember one instance where I wrote a  
3   PLE on her, performance log entry, for wearing some  
4   uniform apparel that was not authorized.  It was a Lennox  
5   hat, and it wasn't authorized.  You either wear the  
6   station hat or the LASD hat at West Hollywood.  So I know  
7   I talked to her about that, and she refused to comply.  I  
8   ended up writing a PLE for her on that.

9           I remember when she would go on radio calls for  
10  service and I was the field sergeant that happened to be  
11  there, she -- I don't know.  She just didn't take  
12  information -- criticism, constructional criticism, or  
13  input well.  She was resistant.

14          Q    I'm just using the words recalcitrant or  
15  difficult.  As far as when you're trying to pass along  
16  constructional criticism, would she be resistive in that  
17  kind of fashion?

18          A    Yes.

19          Q    Would she be considered disrespectful to you as a  
20  supervisor in her position as a subordinate when you would  
21  make suggestions to her?

22          A    Yes.

23          Q    Any of this conduct on her part, was that  
24  something that was orchestrated or provoked by  
25  Deputy Mandoyan in any way?

1           A    No.  Not to my knowledge.

2           Q    So is this something she's doing of her own free  
3 will?

4           A    That was her.

5           Q    Did you have any occasion to write any PLE or  
6 have any disciplinary matters with Deputy Mandoyan, when  
7 he was working at West Hollywood Station, in your  
8 interactions with him?

9           A    I don't think so.  I can't remember.

10          Q    So for the requirements that you just went over  
11 for becoming a field training officer, was [REDACTED]  
12 ever looked upon as being a field training officer?

13          A    No.

14          Q    The reason for that would be because she wasn't  
15 doing her job as a deputy sheriff, or was there any other  
16 criteria that comes to your mind?

17          A    Because she did not have a work ethic.  She  
18 didn't have the knowledge.  She wasn't dependable.  She  
19 didn't fit the mold.

20          Q    Dependable, is that something that goes a long  
21 way in being a street cop for the County of Los Angeles  
22 Sheriff's Department?

23          A    Yes.

24          Q    You need to show up at calls and back up your  
25 partners and things of that nature?

1           A    Yes.

2           Q    Was she deficient in those areas?

3           A    Yes.

4           Q    After Deputy Mandoyan left West Hollywood  
5 Station, was [REDACTED] still on some form of  
6 training or extended training, to the best of your  
7 recollection?

8           A    No. I think he signed her off of training.

9           Q    And after she got off training -- before I ask  
10 that, when someone is released from training, they start  
11 working a one-person car, for the most part?

12          A    For the most part.

13          Q    Is that when a person has the responsibility to  
14 handle all their job duties and report writing and things  
15 of that nature on their own?

16          A    Yes.

17          Q    And at the point in time she was off training,  
18 you know, working a one-person car, is that when she  
19 started to have these various issues that you categorize  
20 as being a problematic employee?

21          A    No. When she was on training, she would call in,  
22 and her attendance was spotty. She was pretty much like  
23 that when she first came to the station.

24          Q    Okay. So that was, for lack of a better word,  
25 her MO of calling in, being late, being tardy, things of

1       that nature?

2           A    Yes.

3           Q    Did Deputy Mandoyan ever show up late and tardy  
4       and call in constantly?

5           A    No.

6           Q    Okay.  I'm just about done.  Just a couple notes  
7       here.

8                   Did you ever have any interactions with  
9       [REDACTED] when she was assigned over to the  
10      Universal Walk?

11          A    Yes.

12          Q    A lot of the same issues that were occurring at  
13      West Hollywood Station were occurring over at Universal  
14      Walk, in your estimation?

15          A    Well, my interaction with her when she was  
16      assigned over at Universal -- it wasn't because I was  
17      supervising her up there; it was because whenever they  
18      would have to come down to West Hollywood to book bodies  
19      or drop off paperwork, or whatever, and if she happened to  
20      be that person to do that, that was my interaction with  
21      her when she was assigned up at Universal.  But as a watch  
22      commander, unless there's a force incident and their  
23      supervisor wasn't available, I wouldn't go up to  
24      Universal.

25          Q    So was she doing the same thing up at Universal

1       that you -- did you receive any rumor or information that  
2       she was a problematic employee up in Universal, even  
3       though you were not directly supervising her over there?

4           A    Yes.

5           Q    What kind of things do you remember coming to  
6       your attention at Universal?

7           A    Pretty much the same old stuff, answering radio  
8       calls, not going to calls -- and they got calls for  
9       service up there. And pretty much the same stuff, not  
10      getting along with others, not taking criticism well, not  
11      being thorough with the job.

12          Q    Any of that the responsibility of  
13      Deputy Mandoyan?

14          A    No.

15          Q    When there would be -- strike that.

16                Let me try this first: At Universal, is there a  
17      separate substation facility for those deputies to sign in  
18      there and to change uniforms, or do they have to go over  
19      to West Hollywood Station and then drive up to Universal?

20          A    No. They had locker rooms up at Universal.

21          Q    But as far as a jail facility, they would book  
22      people over at West Hollywood Station?

23          A    Yes.

24          Q    What interactions did you have with [REDACTED]  
25      when she was in West Hollywood Station booking in

1 Universal that would cause you to conclude that she's  
2 still a problematic employee?

3 A The only thing I can remember off the top of my  
4 head is what I referenced with the baseball cap situation.  
5 I know I talked to -- I think Sergeant Rasmussen was the  
6 sergeant up there at that time. And I know I expressed  
7 that issue about the ball cap stuff to him; and he said  
8 that he had talked to her about that as well. But other  
9 than that, in terms of when she came down to book bodies  
10 at West Hollywood, nothing stands out. I just remember  
11 that one because I had to write a PLE.

12 Q As a supervisor, is it your opinion, based on  
13 your 27 years of experience now as a lieutenant, that  
14 deputy sheriffs are responsible for their own interactions  
15 and knowledge of their job duties?

16 A Yes.

17 Q That's something that they take sole  
18 responsibility over once they put the badge on their chest  
19 and accept that position?

20 A Yes.

21 Q Nothing further, Lieutenant.

22 MR. GOLDFEDER: Thank you.

23 HEARING OFFICER SCULLY: Okay. Thank you.

24 Any redirect?

25 MS. ROAM: Yes, please.

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HEARING OFFICER SCULLY: Okay.

REDIRECT EXAMINATION

BY MS. ROAM:

Q Now, [REDACTED], you just testified that the behavior you observed from [REDACTED] was not the responsibility of the Appellant; is that correct?

A Yes.

Q Do you know whether or not the Appellant was giving [REDACTED] direction not to interact with her peers?

A Not to my knowledge.

Q Now, you mentioned that she had issues with her partners; is that correct?

A Yes.

Q Did you have information that she was not backing up her partners?

A Yes.

Q Do you know whether or not the Appellant told her, or would tell her, not to back up her partners?

A I don't know, no. I don't know.

Q Would it be fair to say that you have no idea what influence the Appellant was having on [REDACTED]?

A Yes, that's fair.

Q You talked about some of her issues with coming

1 in late and being a problematic employee. Did you know if  
2 she had any issues in her personal life that were  
3 affecting her ability to do her job?

4 A She -- I know she would tell us when she would  
5 call in late or we couldn't find an address on her or  
6 wouldn't show up to work -- it seemed like there was  
7 always something going on with her personal life.

8 Q Did you ever talk to her about any of these  
9 personal things?

10 A Yeah. I would inquire as to why she wasn't at  
11 work, or whatever the issue was, and she would tell me --  
12 one of the stories was, I want to say, a sister or  
13 something was sick or ill, and she had to help out. But  
14 she gave various excuses. She was injured at one point.  
15 She was off IOD for a while, so something with whatever  
16 that injury was. But it was always something.

17 Q Did you ever talk to [REDACTED] about -- that  
18 she shouldn't allow Deputy Mandoyan -- let me strike that.

19 Did you ever talk to [REDACTED] about the  
20 Appellant's interacting with her while she was on duty and  
21 he was off?

22 A Yes.

23 Q What did you say to her?

24 A Probably -- pretty much that that wasn't  
25 acceptable. He wasn't working there at that time, and she



1       needed to handle her own calls for herself and do her own  
2       job.

3               Q     And you also spoke to the Appellant about that;  
4       correct?

5               A     Yes.

6               Q     You said that the Appellant would come in when he  
7       no longer worked at West Hollywood Station and was in the  
8       dispatch area typing in and answering calls; is that  
9       correct?

10              A     Yes.

11              Q     Is it appropriate for someone who's not being  
12       paid to be doing County work?

13              A     No.

14              Q     As a field training officer, was this Appellant  
15       considered a supervisor?

16              A     Yes.

17              Q     [REDACTED], did you ever talk to the  
18       Appellant about concerns you had with [REDACTED]?

19              A     In terms of what? Him being there, or --

20              Q     Well, let's back up.

21                    You said he was her training officer; is that  
22       correct?

23              A     Yes.

24              Q     And that she had certain behaviors that you  
25       considered problematic while she was on training?

1           A    Yes.

2           Q    Did you ever talk to him about that?

3           A    I'm sure I did.  I'm sure that I probably said  
4 something to him while he was her TO, but I don't recall  
5 what exactly that may have been.  But I wasn't shy about  
6 letting him know.

7           Q    When he was hanging out in dispatch when she was  
8 on duty, did you ever tell him that, you know, she had  
9 issues and he needed to leave her alone so she could do  
10 her job?

11          A    I talked to him.  I don't know exactly what I  
12 told him.  But I told him, It's great you're helping us,  
13 but you can't keep doing this.  She needs to do her job.  
14 You need to stop this.

15          Q    [REDACTED], you said that -- you told us  
16 about a time when the Appellant came to IRC and told you  
17 about his breakup with [REDACTED].

18          A    Yes.

19          Q    Did the Appellant tell you that he -- if he'd  
20 been served with a restraining order?

21          A    I don't recall if he said that.  I know he told  
22 me that it ended badly.  He told me about a rape -- where  
23 she alleged some guys raped her and -- I don't recall a  
24 restraining order.

25          Q    Did he say anything to you about a domestic

1 violence incident between him and her?

2 A I don't recall. I'm sorry.

3 Q Okay. All right.

4 MS. ROAM: Thank you.

5 HEARING OFFICER SCULLY: I have just one  
6 question.

7 What was [REDACTED] -- did she have a reputation as  
8 to -- as far as her truthfulness or her honesty? Do you  
9 have an opinion on the subject of dealing with her?

10 THE WITNESS: Yes.

11 HEARING OFFICER SCULLY: And what's your opinion?

12 THE WITNESS: That she was not truthful or  
13 honest. She wasn't reliable. And she was not a good  
14 employee. She would oftentimes not have a current address  
15 or her current phone number. She would miss her shift.  
16 When we tried to track her down and talk to her and try to  
17 right the behavior and -- it didn't work, so we'd have to  
18 document it. It still didn't seem to have an effect.

19 HEARING OFFICER SCULLY: Okay. Thank you.  
20 That's the only thing I had.

21 Anything from the Appellant?

22 MR. GOLDFEDER: Just to let the lieutenant know  
23 that you're released from my subpoena. I just want to  
24 advise you of that.

25 No questions, Your Honor.

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HEARING OFFICER SCULLY: Okay.

Can [REDACTED] be excused, then?

MS. ROAM: Yes, please.

HEARING OFFICER SCULLY: Okay.

[REDACTED], thank you for coming in and your cooperation. You're free to go. I hope you have a nice day.

THE WITNESS: Thank you.

HEARING OFFICER SCULLY: It's 10 till 11:00, and we do need to take a morning break. Let's take that now, and we'll come back at 11:05.

Off the record.

(The morning recess was taken.)

HEARING OFFICER SCULLY: Back on the record.

We have another witness. Are you ready to begin?

MS. ROAM: Yes, sir.

HEARING OFFICER SCULLY: Sir, could you stand, please, and raise your right hand.

[REDACTED]             
called as a witness for and on behalf of the Department, and having been first duly sworn by the Hearing Officer, was examined and testified as follows:

HEARING OFFICER SCULLY: Thank you, sir. Have a

1 seat. State and spell your name, please.

2 THE WITNESS: [REDACTED], [REDACTED]

3 [REDACTED].

4 HEARING OFFICER SCULLY: Okay. Thank you.

5

6 DIRECT EXAMINATION

7 BY MS. ROAM:

8 Q Good morning, sir. How long have you been with  
9 the Sheriff's Department?

10 A 39 years.

11 Q And your current rank is what?

12 A Assistant sheriff.

13 Q How long have you been an assistant sheriff with  
14 the Sheriff's Department?

15 A Since December of 2016.

16 Q Prior to your promotion to assistant sheriff,  
17 what was your assignment?

18 A Chief of Central Patrol Division.

19 Q And as chief of Central Patrol Division, what  
20 were your responsibilities?

21 A I had oversight of six stations assigned to that  
22 division, and including the responsibilities for  
23 overseeing transfers, promotions, and discipline.

24 Q How long were you the chief of Central Patrol  
25 Division?

1           A    Three years.

2           Q    Can you just give us an overview of your  
3 assignments on the Department.

4           A    After the academy I was a custody deputy. And I  
5 worked a couple of different custody facilities for just  
6 shy of three years. Then I was assigned to  
7 Lennox Sheriff's Station where I worked as a patrol  
8 deputy, field training officer, and -- again, for about  
9 three years. From there, I was assigned to the Special  
10 Enforcement Bureau. I was there from '83, '84, and '85.  
11 And during the Olympics as a SWAT deputy.

12                I transferred to Antelope Valley Station as the  
13 training deputy, and I worked for a couple of years -- I  
14 don't remember exactly -- until I was promoted to  
15 sergeant. And then I was transferred to the Altadena  
16 Station. I was at Altadena Station for about a year and a  
17 half, and then I went back to Antelope Station as a patrol  
18 sergeant, crime prevention sergeant, and administrative  
19 sergeant.

20                I worked on the Palmdale -- development of the  
21 Palmdale Sheriff's Station as well. I was promoted to  
22 lieutenant in 1987. I was briefly transferred to Pitchess  
23 Detention Center for six weeks, and then back to Palmdale  
24 to continue with the development of Palmdale Station.

25                I was promoted to captain at Palmdale Station. I

1       was captain for five years. I was then promoted to  
2       commander and went to Central Patrol Division, South  
3       Patrol Division, and then North Patrol Division. And then  
4       I was chief of staff for Sheriff John Scott until my  
5       promotion to chief. And then chief of Central Patrol  
6       Division until I was promoted to assistant sheriff.

7               Q    Thank you, sir.

8               Now, in your role as the chief over Central  
9       Patrol Division, at some point did you become aware of  
10      allegations made by [REDACTED] against Caren  
11      Mandoyan?

12              A    Yes.

13              Q    Was there a formal administrative investigation  
14      initiated?

15              A    Yes.

16              Q    Do you know who conducted that investigation?

17              A    By name or unit?

18              Q    Unit.

19              A    Internal Affairs.

20              Q    And at some point was that investigation  
21      submitted to you for review?

22              A    Yes.

23              Q    Can you tell us what information did you have  
24      that you reviewed?

25              A    Well, I'm presented with an investigative

1 package, similar to what's sitting in front of me now, and  
2 it has the substance of the investigation, the interviews,  
3 the summaries, the documents that were related to the  
4 investigation, and the charges that were deemed founded.

5 Q Were there any other materials, audios, videos,  
6 anything else that you reviewed?

7 A There's audios. There is some cell phone video  
8 and snapshots of cellphone texting.

9 Q Now, after reviewing the investigation, what were  
10 the facts that you determined in this case?

11 A Well, there were a number of facts that I  
12 considered in this case. One is the employees themselves;  
13 you know, their accomplishments, their disciplinary  
14 histories. I looked at the facts as it relates to the  
15 charges that were deemed founded to see if the evidence  
16 supported the founded charges.

17 I don't recall how many charges there are without  
18 actually looking at it. But there were a number of them,  
19 which included domestic violence and false information. I  
20 concurred with the recommendation of Internal Affairs. I  
21 presented the case to the Case Review Committee who  
22 concurred with the recommendation, and completed the case.

23 Q You said you presented this case to the Case  
24 Review Committee. Can you explain what the case review  
25 process is, please.



1           A    Once a decision is made on discipline that is  
2   greater than 15 days, the case is presented to Case  
3   Review, which includes the undersheriff and two assistant  
4   sheriffs, to see whether or not they concur with the  
5   decision based on evidence that's provided during case  
6   review. That information, then, is related to the  
7   Sheriff, who reviews the final decision as well.

8           Q    During case review, that undersheriff and the two  
9   assistant sheriffs that are part of that panel, do they  
10  also review the entire investigation?

11          A    Yes.

12          Q    The actual -- you said "the charges." Do you  
13  know who developed those charges?

14          A    The charges are developed through the  
15  investigative process with Internal Affairs and Advocacy.  
16  And they will look at the case and discuss it. And they  
17  will discuss the charges with me and my command staff to  
18  see what evidence is supported and which charges are not  
19  supported.

20          Q    I want to turn your attention to Department's  
21  Exhibit 1. There's a large binder in front of you, and if  
22  you'd turn to the beginning of that. Department's  
23  Exhibit 1. There's a tab, and go past that yellow cover  
24  sheet.

25                   Do you recognize this document?

1           A    Yes.

2           Q    What is it?

3           A    This is the document that is presented at case  
4 review.

5           Q    Who is it from?

6           A    It is from me.

7           Q    To whom?

8           A    To the captain of Internal Affairs.

9           Q    Let me just ask you in general about this dispo  
10 worksheet, which appears to be seven pages.

11                   Do you know what the purpose of this disposition  
12 worksheet is?

13           A    The dispo worksheet is one that clarifies the  
14 evidence that supports the charges.

15           Q    Okay.

16           A    So it simplifies the disposition of the charges  
17 that are going to be presented.

18           Q    And that first page, the signature page, is there  
19 a place for your signature?

20           A    There is. The signature was signed by my  
21 commander, Joe Gooden, G-O-O-D-E-N.

22           Q    And then it's followed by four additional  
23 signatures. Do you know whose signatures those are?

24           A    Yes.

25           Q    Who are they?

1           A    Assistant Sheriff Richard Barantes, who's  
2           retired; assistant Sheriff Todd Rogers, whose also  
3           retired; division Chief Steve Johnson, who was acting as  
4           Assistant Sheriff; and Sheriff Jim McDonald.

5           Q    What do their signatures on this document  
6           represent?

7           A    Concurrence with my decisions.

8           Q    Were any of these signatures -- do these  
9           signatures belong to any members who were part of the case  
10          review panel?

11          A    This is the case review.

12          Q    So these are all members who also reviewed the  
13          investigative file; is that correct?

14          A    Yes.

15          Q    So if you turn to pages 2 through 4, do you  
16          recognize what these pages reflect?

17          A    These reflect the charges that were presented.

18          Q    You said you discussed these charges along with  
19          the facts of the case with your command staff --

20          A    Yes.

21          Q    -- during the case review process. And are these  
22          the facts that you determined in this case?

23          A    Yes.

24          Q    Were these the policy sections that you  
25          determined that the Appellant violated in this matter?

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A Yes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Anything else?

A Without going through this, you know --

Q [REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Okay. And then "Off-Duty Incidents," was the Appellant charged with violating this policy?

A Yes.

Q How did he violate this policy?

1           A    You need to make an immediate notification when  
2           there's an incident occurring, whether you are served with  
3           a restraining order or you're arrested or you become aware  
4           that charges are being filed upon you.

5           Q    Were you aware of whether or not the Appellant  
6           had been contacted by El Segundo Police Department as a  
7           criminal suspect in this matter?

8           A    Yes.

9           Q    Were you aware of whether or not he was served  
10          with a domestic violence restraining order?

11          A    Yes.

12          Q    As a result of that, what information did you  
13          have as to whether he notified the Department?

14          A    The information that we had is that he didn't  
15          notify the Department.

16          Q    And that would have violated this policy?

17          A    Yes.

18          Q    Let's turn to page 13, the "Honesty Policy."  
19          Sir, this is also a policy that the Appellant was charged  
20          with violating; is that correct?

21          A    Yes.

22          Q    How did he violate this policy?

23          A    During his interview he was not honest and  
24          forthright in his admissions to his conduct and  
25          activities.

1 Q Tell us, specifically, how was he not honest?

2 A Well, he denied that he attempted to open the  
3 sliding glass door or crawled in the window. I don't  
4 recall some of the other facts -- I mean, there was a lot  
5 of issues over a period of time where he would show up at  
6 work, texting going on under an assumed website. There  
7 was information that was provided to him by another deputy  
8 about giving the Complainant's new telephone number.

9 Q As far as honesty goes, what is the Department's  
10 concern regarding a deputy sheriff and honesty?

11 A Well, the concern is the veracity in which police  
12 reports are written, the ability to testify in court,  
13 writing warrants and other official documents that are  
14 considered by the Court to be truthful and correct and  
15 accurate.

16 Q What's the Department's expectation of a deputy  
17 sheriff as far as honesty goes?

18 A Our expectation is that they're to be honest and  
19 forthright.

20 Q The next page, 14, that's marked  
21 "Dishonesty/False Statements."

22 A Yes.

23 Q This is also a section that the Appellant was  
24 charged with?

25 A Yes.

1           Q    How did his conduct violate this policy?

2           A    Well, he failed to accept responsibility for  
3   information that was presented to him that -- whether or  
4   not he attempted to open the sliding glass door or crawl  
5   in the bathroom window. There was some other information  
6   about showing up at Universal Studios and providing  
7   information via texting about conduct of the Complainant  
8   to other individuals.

9           Q    Then page 15, the final policy here,  
10   "Dishonesty/Failure to Make Statements and/or Making False  
11   Statements During Department Internal Investigation," how  
12   did the Appellant violate this policy?

13          A    During this interview he was confronted -- or  
14   asked questions regarding the specifics of the  
15   allegations, and he denied the allegations, as to whether  
16   or not he was attempting to gain access or open the door  
17   and whether or not a domestic violence incident occurred  
18   how the door was broken inside the apartment. So the  
19   basic complaint that was presented.

20          Q    Let me ask you, sir, the investigative file that  
21   you reviewed, were there portions of that file that had  
22   been redacted, that was blacked out?

23          A    Yes.

24          Q    Did you know what that matter concerned?

25          A    No.



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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Sir, you're aware that during his interview he denied that?

A Yes.

Q What did you base your determination on that he, in fact, assaulted [REDACTED], [REDACTED]?

A Well, I looked at the interview from the friend that walked over to the apartment with them from the bar; [REDACTED]'s statements regarding what had occurred, supported by the photographs of her injuries; as well as the door that was broken. The story seemed to be consistent with the evidence that was presented to us. I formed the opinion that it did occur.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Now, sir, do you know whether or not the Appellant was ever criminally charged by the deputy District Attorney's office with any of these violations?

A I know the case was presented. I don't -- I'm trying to recall what the disposition sheet said, and I can't recall the details of it.

Q Does it matter to you whether or not the DA prosecuted him for these Penal Code violations?

A No.

Q Why is that?

A Because we're looking at policy violations in

1       this particular case; whether or not he violated the  
2       policy of the Department.

3           Q     As a deputy sheriff, was the Appellant expected  
4       to follow the law?

5           A     Yes.

6           Q     Let's go ahead and turn back to Department's  
7       Exhibit 1, the disposition worksheet, pages 2, 3, and 4.  
8       You've touched upon a number of the particular behaviors  
9       that are charged here in these.

10           These are the specific actions that you felt  
11       violated those policies; is that correct?

12          A     Yes.

13          Q     Turn to page 5, if you would. Under the "Review  
14       of Applicable Guidelines for Discipline" section, do you  
15       see the discipline ranges that are listed?

16          A     Yes.

17          Q     Do you know where these numbers come from?

18          A     Yeah. We have what's called a Guidelines for  
19       Discipline, which provides us a guide for some sort of  
20       consistency within the disciplinary process, and it gives  
21       us quite a bit of latitude because each and every incident  
22       is unique in and of itself. That's why you see written  
23       reprimand to discharge. It could be a minor violation or  
24       it could be a major violation. That's inconclusive to  
25       some of these charges.

1           Q    Were there any of the Appellant's charges that  
2   you considered more serious than others?

3           A    Yes.

4           Q    Which?

5           A    I think -- the domestic violence, I considered  
6   that extremely serious. The attempting to break into her  
7   apartment is a very dangerous act when you consider the  
8   totality of circumstances here where you have the domestic  
9   violence aspect, and then you have deputy sheriffs who are  
10   both armed that are involved in this emotionally charged  
11   relationship or breakup. I considered that extremely  
12   dangerous.

13          Q    Sir, you mentioned that in one of the videos that  
14   ██████████ can be heard telling the Appellant to leave.

15               Do you recall that?

16          A    Yes.

17          Q    What did you expect the Appellant to do at that  
18   point?

19          A    Leave.

20          Q    Other than the domestic violence and the  
21   attempting to break in, were there any other charges in  
22   this investigation that you considered to be more serious  
23   than others?

24          A    Well, the honesty. As a deputy sheriff, that's a  
25   very serious violation for us. And we discharge people

1       for dishonesty. If we're not talking about family  
2       violence and the conduct towards others, we're talking  
3       about that. The fact that he was -- continued to try to  
4       get into the apartment after being told numerous times to  
5       go away, I considered that extremely dangerous, especially  
6       knowing that she's armed. And her thinking that he  
7       possibly is armed could have been tragic.

8           Q    You mentioned that these numbers come from the  
9       Guidelines for Discipline. If you would just turn to  
10      Department's Exhibit 23.

11           A    Yes.

12           Q    Sir, do you recognize this document?

13           A    Yes. This is the Guidelines for Discipline  
14      document.

15           Q    So those discipline ranges were taken from that  
16      document; is that correct?

17           A    Yes.

18           Q    If you would please turn to page 6.

19           A    Okay.

20           Q    There's a section entitled "Nonprogressive  
21      Discipline," and there's a paragraph above that, and what  
22      follows.

23                   And let me ask you: Do you know if he had any  
24      prior discipline in this case?

25           A    I don't recall, as I sit here today, prior

1 discipline.

2 Q Okay. If he had an impeccable record, would it  
3 have mattered in your ultimate decision in this particular  
4 case?

5 A In this particular case, my decision was based  
6 solely on this case.

7 Q Did this information in Guidelines for Discipline  
8 inform that decision at all?

9 A Yes.

10 Q Let's go back to the discipline worksheet. I  
11 want to ask you about factors in Aggravation and  
12 Mitigation.

13 Did you consider any factors in aggravation and  
14 mitigation in this case?

15 A Yes.

16 Q What did you consider?

17 A Well, the aggravators are, as I discussed  
18 earlier -- we're talking about a highly charged, volatile  
19 situation. Domestic violence situations are incredibly  
20 dangerous. And in this case you have people who carry  
21 guns 24 hours a day. And it was highly charged. This has  
22 been going on for quite some time. And the likelihood of  
23 this escalating even further was there. It seemed to be  
24 an ongoing, escalating series of events.

25 The mitigating factors were -- this particular

1 deputy, the Appellant, is a good deputy. He worked  
2 multiple stations. He was a field training officer. For  
3 the most part, well-liked. And I think he had a good  
4 record, employment record.

5 I think the Complainant in this case was a bit  
6 marginal. She's not the best employee. And she has some  
7 things that surround her that were not in the best light.  
8 So whether or not she was lying or whether or not he was  
9 lying, in this case, the evidence -- regardless of how bad  
10 her behavior was in the past, the evidence supported the  
11 charges in this case against this deputy.

12 Q So after your analysis of this case, what was  
13 your ultimate decision?

14 A It was discharge.

15 Q That was supported by the Case Review Panel; is  
16 that correct?

17 A Yes.

18 Q Once that decision was made -- I'd like for you  
19 to turn to Department's Exhibit 2.

20 Do you recognize Department's Exhibit 2?

21 A The Letter of Intent?

22 Q Yes. What was the purpose of this letter?

23 A To advise the deputy of what the intention of the  
24 Sheriff's Department was.

25 Q After the Letter of Intent was sent, did you have

1 an opportunity to meet with the Appellant and his  
2 representative during a Skelly hearing?

3 A Yes.

4 Q What is the purpose of a Skelly hearing?

5 A The Skelly hearing allows the individual to  
6 present directly to the chief any additional information  
7 to be considered in the case.

8 Q Did that occur?

9 A Yes.

10 Q Was anything presented that caused you to change  
11 your mind about the level of discipline?

12 A No.

13 Q Then Department's Exhibit 3, do you recognize  
14 this document?

15 A Yes.

16 Q What is it?

17 A That's the Letter of Imposition, advising the  
18 deputy that he's been discharged.

19 Q Turning to page 5, do you recognize your  
20 signature on that document?

21 A Yes.

22 Q Now, I think you've expressed your reasons for  
23 your decision, but I'm wondering: Were there any other  
24 concerns that the Department had that you have not had the  
25 chance to articulate yet?



1           A    Not that I'm aware of.

2           Q    Do you believe that these charges as stated in  
3 the Letter of Imposition are true?

4           A    Yes.

5           Q    Do you believe that the discharge is appropriate?

6           A    Yes.

7           MS. ROAM: I have no further questions.

8           HEARING OFFICER SCULLY: Okay. Thank you.

9           Cross-exam?

10          MR. GOLDFEDER: Thank you, your Honor.

11

12                                   CROSS-EXAMINATION

13 BY MR. GOLDFEDER:

14          Q    Good morning, [REDACTED].

15          A    Good morning.

16          Q    I want to ask you a couple of questions here.

17 Did you listen to all the audio interviews? And I know  
18 it's a 501-page internal investigation. How copiously did  
19 you go through this? I know your duties require you to do  
20 a number of things; and it took me substantial amount  
21 time.

22                   Could you just kind of walk us through what you  
23 actually reviewed on the entirety of the thing?

24          A    Well, I reviewed the case. I didn't review every  
25 audio. I reviewed the transcripts, some of the audio, and

1       listened to what I thought was most compelling. I  
2       reviewed the video because I thought that the video was,  
3       in this case, very important as to whether or not I  
4       believed he was attempting to open the sliding glass door  
5       or not.

6               So as I read through these -- as you know, it is  
7       quite voluminous. So yes, I take the time to read through  
8       these.

9               Q    I know we went through your Departmental resume,  
10       and you've spent a substantial amount of time working  
11       field patrol and whatnot. You've probably interviewed a  
12       ton of thousands of witnesses, victims, suspects, things  
13       of that nature.

14               Have you ever had people lie to you in your  
15       duties as a peace officer for the State of California  
16       working as a deputy sheriff in your various capacities?

17               A    All the time.

18               Q    Do you remember listening to the interview of  
19       [REDACTED] with the El Segundo Police Department and  
20       Detective Danowitz? Does that sound like an interview  
21       that you listened to? The audio?

22               A    I read the transcript on that one.

23               Q    Would it be a fair statement that there's a  
24       difference between reading a transcript, the four corners  
25       of the document, as opposed to seeing somebody in person

1 up close in an interview?

2 A Yes.

3 Q I understand your time constraints, and I'm not,  
4 you know, giving you any slight on that because I know  
5 your work schedule is tremendous. But would it be  
6 impactful, in your estimation, when interviewing  
7 witnesses, if somebody was giggling and laughing as you  
8 interviewed them?

9 A Yes.

10 Q If I was to represent to you that [REDACTED]  
11 was laughing quite a bit during her interview that she  
12 made with the El Segundo Police Department, is that  
13 something that you would expect of a person that was in a  
14 domestic violence situation as a purported victim?

15 A That's hard to say. I've spent a great deal of  
16 time working with domestic violence victims. And I don't  
17 know her. I don't know if that's how she displays, you  
18 know, emotion or nervousness or not; or if she's lying.  
19 So I can't really give you a 100 percent answer on that.

20 Q I understand. You know, there are 7600 deputy  
21 sheriffs on the Department; you can't know all of them and  
22 all of their various idiosyncrasies. But you made a  
23 comment about [REDACTED]. I believe your verbiage was  
24 "marginal." Did I write that down correctly?

25 A Yes.

1           Q    What did you mean by "marginal" when you use that  
2 word towards Deputy Sheriff [REDACTED]?

3           A    She was late to work a lot. She called in sick a  
4 lot. Her performance was not outstanding. She had a  
5 reputation among -- in the Department for dating, if you  
6 want to call it that, a lot of people. So she, in my  
7 mind, was somebody that I had to take a close look as to  
8 whether or not I believed that she was being truthful in  
9 this case or whether or not it was retaliatory in some  
10 form.

11          Q    Okay. Now, did you review the District Attorney  
12 for the County of Los Angeles's evaluation worksheet in  
13 this case? Do you remember coming across that document?

14          A    Yes. To be honest with you, I'm not recalling  
15 it.

16          Q    If you could turn to Exhibit 6 in the binder  
17 there. And it will be the last document before the  
18 colored pages. I think it's actually Bates-stamped at the  
19 bottom 13.

20          A    Okay.

21          Q    Do you remember looking at that document now that  
22 you've had a chance to refresh your recollection? Looking  
23 at Department's Exhibit 6, page 13?

24          A    Yes.

25          Q    Did you ever reach out and contact

1 Linda Loftfield, L-O-F-T-F-I-E-L-D? She's a deputy  
2 district attorney. Did you ever reach out to contact her?

3 A No.

4 Q How about Jamie, J-A-M-I-E, Garrison,  
5 G-A-R-R-I-S-O-N, another deputy district attorney. Did  
6 you have occasion to reach out and talk to that  
7 individual?

8 A No.

9 Q Okay. On any case involving domestic violence  
10 when there's no charges filed, have you ever had occasion  
11 as a commander or chief or any other supervisory capacity  
12 to discuss any issue with district attorneys that made  
13 decisions on the case from a criminal standpoint?

14 A Yes.

15 Q The occasions you would do that, is there any  
16 type, general parameter, that would cause you to reach out  
17 on certain cases involving DV as opposed to this one, for  
18 example?

19 A Well, earlier in my career when I was actually  
20 handling cases and sitting on the Domestic Violence  
21 Council, I would work with DA's regarding specific cases  
22 on the criminal side. As a chief, I only made decisions  
23 based on what was in the file. I thought that was the  
24 only fair thing to do. I didn't want to reach outside the  
25 file. In doing so, we would need to create an addendum

1       that we did an additional investigation.

2               So the decisions that I make are only based on --  
3       unless I request additional information from the  
4       investigator, I would only look at what's in the case file  
5       because that was fair.

6               Q     Certainly I understand that.

7               The 501-page investigation -- there's an 87-page  
8       addendum in this matter -- those materials were not ever  
9       in the possession of the district attorneys that were  
10      looking at this case, were they?

11              A     Not -- well, cases -- like, I mean, there are a  
12      few pages in here that the district attorney would have.  
13      But as far as the case file, they won't have that.

14              Q     Certainly they would have the El Segundo report  
15      and the supplemental reports, things of that nature;  
16      correct?

17              A     Correct.

18              Q     The text messages and things along those lines?

19              A     Yes.

20              Q     But all the additional interviews of witnesses in  
21      this case were not anything that the District Attorney's  
22      office would have been in receipt of when they made their  
23      decision back on September 8, 2015, not to file this case.  
24      Is that a fair characterization?

25              A     Yes.

1           Q    When you indicated that [REDACTED] [REDACTED] is  
2   marginal and you don't know if she's lying or not, did you  
3   have any inclination as to, Let me get an impression from  
4   these two district attorneys as to the reasons they didn't  
5   move forward with this case?

6           A    Well, I know that in many of these cases, they  
7   don't file. It's not uncommon that of the cases that I've  
8   had, which have been many, regarding domestic violence,  
9   very few of them have actually been filed.

10          Q    If you had questions about the honesty or  
11   [REDACTED] being a marginal employee, is there a  
12   possibility that, since the District Attorney's office had  
13   the interview and the taped interview of [REDACTED],  
14   that perhaps, when they listened to her giggling, that  
15   that was a reason for them not moving forward?

16          A    That would just be a guess on my part.

17          Q    Okay. But your inclination is based upon what  
18   you've heard -- you know, rumor mill, or whatnot --  
19   through the Department? You've come to the conclusion  
20   that [REDACTED] is a marginal employee?

21          A    Yes.

22          Q    Have you had any direct interactions with her,  
23   that you can recall, in any executive position or  
24   lieutenant or captain position?

25          A    No.

1           Q    When you hear things in the Department that cause  
2   you concern, or to make an assessment as to an employee,  
3   what type of weight do you give that?

4           A    I give it a lot of weight.

5           Q    For example, if you heard -- let me ask you  
6   this: What did you hear about Deputy Mandoyan in the same  
7   context? Or have you had interaction with him as a  
8   supervisor or executive during his tenure on the  
9   Department?

10          A    I've had no contact, that I recall, with him.

11          Q    Have you heard anything as to what his  
12   reputation was or his work product was comparable to what  
13   the assessment was with [REDACTED]?

14          A    Yes. I heard he was a good deputy.

15          Q    Now, if [REDACTED] fabricated these charges,  
16   would that be something that would be consistent with what  
17   you've heard through the Department sources here about her  
18   being marginal?

19          A    I don't know that her conduct as a marginal  
20   employee would put her in the -- in my mind, I don't -- I  
21   didn't see her fabricating these particular charges  
22   because of the evidence and the video that supported what  
23   I was reading. As far as her activities as a marginal  
24   employee, I don't know.

25          Q    Did you have any insight yourself as to your



1 reading the police reports and whatnot, was it a head  
2 scratcher to you as to why the District Attorney's office  
3 didn't move forward with these charges?

4 A It's not uncommon. I mean, I've read so many of  
5 these cases where they didn't move forward with domestic  
6 violence cases; so I wasn't surprised.

7 Q Have you had experiences where people will  
8 retaliate against, you know, a dating partner and file a  
9 false allegation of domestic violence? Have you ever had  
10 that come up in your career?

11 A Yes.

12 Q Was there anything else brought to your attention  
13 as part of these videos that -- strike that.

14 Let me ask it this way. I apologize. You're  
15 issued a flat badge and a gun as part of your equipment  
16 when you're hired on as a deputy sheriff; correct?

17 A Yes.

18 Q And you maintain that throughout the pendency of  
19 your career on the Department; is that true?

20 A Yes.

21 Q And you're responsible for those items, including  
22 your uniform and badge; correct?

23 A Yes.

24 Q And if you were to lose one of the items,  
25 including the duty weapon, flat badge, or whatnot, you

1       have an obligation to make notification to the Department  
2       that equipment was lost, and, I guess, some kind of file  
3       or something would be opened?

4           A    Yes.

5           Q    Knowing that, if your equipment is being held  
6       inside someone else's house and they won't let you into  
7       the house, you're still responsible for the outcome of  
8       where that equipment is going to go. For example, if it  
9       got thrown away or sold on the streets, that would still  
10      be the deputy sheriff's personal responsibility over that  
11      equipment; correct?

12          A    Yes.

13          Q    Caren Mandoyan had equipment inside  
14      [REDACTED]'s apartment, and she's not allowing him to  
15      get in to get that equipment. Would he be allowed to just  
16      walk away and hope that nothing untoward happened with  
17      those particular items?

18               MS. ROAM: And I'm just going to make an  
19      objection. I believe that's an improper hypothetical.

20               HEARING OFFICER SCULLY: I think -- since the  
21      Assistant Sheriff has testified, essentially, as the  
22      Department's spokesperson or representative on the  
23      interpretation of the guidelines, I think that's what the  
24      question goes to; so I'll allow the question. Overrule  
25      the objection.

1                   THE WITNESS: We would expect him to call the  
2                   local law enforcement agency.

3                   BY MR. GOLDWASSER:

4                   Q     And if he calls the local law enforcement agency  
5                   and they come out, then there has to be a further  
6                   notification of contact by law enforcement as to any  
7                   member of the Department; correct?

8                   A     Yes.

9                   Q     So if he's trying to just get his items out of  
10                  someone's residence without having to, let's say, bother a  
11                  law enforcement agency or something, it's just a personal  
12                  dispute, is there anything wrong with knocking on the door  
13                  and trying to get somebody's attention by banging with a  
14                  piece of metal to get someone to open the door so he can  
15                  get his property back, which is rightfully his obligation  
16                  to obtain?

17                  A     There is nothing wrong with knocking on the door,  
18                  unless there's a restraining order that prohibits that.

19                  Q     Based upon your review of the 501-page  
20                  Investigative Manual and the 87-page addendum, was there  
21                  any restraining order in place at the time Deputy Mandoyan  
22                  was being videoed by [REDACTED] while he was trying to  
23                  get into the apartment to get his items?

24                  A     No.

25                  Q     Now, the text messages involved in this case, did

1       you read all of the interviews that indicated that it  
2       wasn't Deputy Mandoyan that was sending these text  
3       messages?

4           A    It appears to me it was confusing as to who was  
5       sending the text messages. The verbiage would appear that  
6       Mandoyan would have sent some of the messages, but there  
7       is no way of 100 percent knowing because they're text  
8       messages.

9           Q    Were you aware of any -- let me have you turn to  
10      Exhibit 20 here, [REDACTED].

11           MS. ROAM: I'm sorry, sir. Exhibit --

12           MR. GOLDFEDER: 20.

13      BY MR. GOLDFEDER:

14           Q    And you don't need to read the entire contents of  
15      this particular text message. But this was sent to a  
16      [REDACTED] on the Department and has a  
17      salacious details about her husband sleeping with other  
18      women, multiple sex partners, and whatnot.

19                   Do you recall reading this text message as part  
20      of your review of the IAB package?

21           A    Yes.

22           Q    Did you find this text message to be rather  
23      offensive or disturbing?

24           A    Yes.

25           Q    Were you aware that the ex-spouse of the

1 [REDACTED] was married and in a volatile  
2 relationship with [REDACTED], another deputy sheriff  
3 that was involved in this investigation?

4 A Yes.

5 Q Did you ever reach out to [REDACTED] to  
6 find out anything more about that relationship between her  
7 and [REDACTED]?

8 A No.

9 Q So if this text message was sent by  
10 [REDACTED] to [REDACTED], but it was  
11 being portrayed that Deputy Mandoyan was doing it, would  
12 that impact any credibility of the parties in this case?

13 A Well, there was a number of things that were  
14 going on in this particular case, especially with respect  
15 to these text messages. But I did not base my decision  
16 based on the fact that these text messages existed because  
17 I couldn't confirm exactly who may or may not have sent  
18 these text messages or if somebody had encouraged them.

19 There may be many enemies of her based on her  
20 conduct. So my focus on this was the conduct of  
21 Deputy Mandoyan with respect to [REDACTED].

22 Q Okay. So Deputy Mandoyan trying to get his  
23 property, County-issued property, out of the apartment of  
24 [REDACTED] is something you would expect a deputy  
25 sheriff ought to be able to do by knocking on the door, as

1 long as there are no restraining orders in place; is that  
2 correct?

3 MS. ROAM: And I'm going to object. That  
4 question assumes facts that are not in evidence, that  
5 there was County property in her apartment.

6 HEARING OFFICER SCULLY: Well, I think it's --  
7 again, that's the Appellant's contention. But so it makes  
8 sense -- it's more of a hypothetical in that sense, so  
9 I'll allow the question. I understand that the existence  
10 of that property -- there's been no one who has testified  
11 about it. So at this stage it's more of a contention that  
12 hasn't yet been proven, although there might be testimony  
13 on it as we go forward.

14 MS. ROAM: As a caveat, it wasn't posed as a  
15 hypothetical. It was assuming a fact that was not  
16 anywhere in this investigation, other than counsel's  
17 bringing it up here at the hearing. I just want to make  
18 sure that we're not relying on evidence that's not in this  
19 case in asking the question.

20 HEARING OFFICER SCULLY: Okay. Well, fair  
21 enough.

22 Could you rephrase the question, please.

23 MR. GOLDFEDER: Certainly.

24 BY MR. GOLDFEDER:

25 Q So a deputy sheriff leaves someone's residence --

1     boyfriend, girlfriend, family member -- and inside is  
2     their backpack and their County-issued equipment, and for  
3     whatever reason they're being denied access back into the  
4     place where they left their property when they were  
5     invited in there. Would it have been reasonable for a  
6     deputy sheriff to knock on the door or ring the doorbell  
7     and ask to go back in so they can get their County-issued  
8     property?

9           A     It would not be unreasonable.

10          Q     Would it be unreasonable if the deputy sheriff  
11     inside was not allowing the person to enter the property  
12     that they had just exited to recover the property that was  
13     theirs that's still inside that residence?

14           MS. ROAM: And I'm going to object to that.  
15     That's an incomplete hypothetical. Based on what? In any  
16     circumstance where someone refuses entry?

17           HEARING OFFICER SCULLY: I'll allow the question.  
18           You can bring out the deficiencies in the  
19     hypothetical on redirect, if you'd like, but I'll allow  
20     the question.

21           THE WITNESS: Well, you know, that's a question  
22     where, if she was fearful, I wouldn't expect her to let  
23     him in. If there was no tension between the two, I would  
24     not see why she wouldn't. In this particular case,  
25     clearly she was fearful of him for whatever reason. The

1 fact that she was an employee of the Sheriff's  
2 Department -- a telephone call to the watch commander, he  
3 could have interceded and probably resolved this. They  
4 would not hold him accountable for losing his County  
5 equipment if he called and said, My County equipment is  
6 there; and there's a deputy holding it and I can't get it.

7 That would be a reasonable response to this type  
8 of dispute.

9 BY MR. GOLDFEDER:

10 Q And that brings the Department into a situation  
11 that ought to be easily resolvable between two mature  
12 adults; is that correct?

13 A Yes.

14 Q So on that basis, and your statement about  
15 [REDACTED] being marginal, does that cause you  
16 some concerns about her truthfulness as a witness and the  
17 totality of what she provided and what you reviewed in  
18 this case?

19 A Well, I'm always concerned about truthfulness  
20 when I read these cases, and I look for things that would  
21 support the behaviors that are being alleged in these  
22 cases. Even though she's marginal, the statements in  
23 evidence seem to support her allegations.

24 Q But the actual events that transpired are  
25 basically her statements as to what occurred. There were



1 no independent witnesses, there was no one interviewed  
2 that lived in the apartment complex that corroborated  
3 anything she said that you were able to review in this  
4 case; is that true?

5 A Yes.

6 Q Do you know if [REDACTED] was being  
7 honest and forthright in her interview before the Internal  
8 Affairs investigator in this case?

9 A I don't know whether she was being honest and  
10 forthright, other than I believe that the statements that  
11 she provided with respect to the domestic violence  
12 incident as well as the attempted entry into her  
13 apartment -- the evidence supported that what she was  
14 saying was valid.

15 Q So if she's telling you a lie and taking these  
16 videos and trying to portray that Deputy Mandoyan was not  
17 inside the apartment, but he's over there knocking on the  
18 door -- that's what your understanding of this case was at  
19 the time you reviewed it?

20 A Yes.

21 Q And if it turns out those allegations and  
22 presentations that she conveyed are not truthful or  
23 correct, does that impact your decision as to what you  
24 concluded in this investigation?

25 A Yes.

1           Q    So you are being asked questions about the  
2   allegations in this case. I think it was Department's  
3   Exhibit No. 1. When Deputy Mandoyan was being  
4   interviewed, and when he was in front of you for his  
5   Skelly hearing, did he ever say anything other than, I  
6   didn't do this, and, She's not telling the truth?

7           A    I don't recall anything else.

8           Q    Okay.

9           A    He may have, but I just don't recall it.

10          Q    Okay. But essentially, he never said, Yeah. I  
11   went over there and assaulted her and battered her.

12                He never admitted any of that type of conduct in  
13   his interview that you reviewed in this point in time and  
14   when he was in front of you at the Skelly hearing?

15          A    Correct.

16          Q    So if Caren Mandoyan is telling the truth in this  
17   case and [REDACTED] is not, then Deputy Mandoyan -- by  
18   maintaining his posture in front of you, you conclude that  
19   he's not being honest or forthcoming with the Department?

20          A    I believe that the video and the evidence --  
21   regardless of all of these other things that were going on  
22   at the bar and with the girlfriends and the texting, I  
23   believe that the evidence supported [REDACTED]'s  
24   allegations of those charges.

25                I have no way of knowing how true all of these

1 other things that surround this incident are, other than  
2 the testimony during the interviews of the witnesses in  
3 this case.

4 Q But not listening to her giggling, does that  
5 cause you to think that perhaps, maybe, she's not being  
6 forthcoming and candid about things?

7 A Like I said, I believed that -- as far as the  
8 incident is concerned, I believed that she was being  
9 truthful. Based on the evidence that I have seen in my  
10 experience, that supported her allegation.

11 Q But you've had people lie to you before and been  
12 surprised that they lied to you.

13 A Yes.

14 Q Prior to these individuals coming to your  
15 attention as part of this investigation, you've never  
16 been -- or have you ever had occasion to find out if  
17 Caren Mandoyan is truthful or not or [REDACTED] is  
18 truthful or not?

19 A No.

20 Q Now, when Deputy Mandoyan was served with a  
21 restraining order, were you aware that [REDACTED] was  
22 present, along with [REDACTED]?

23 A I knew [REDACTED] was the one who served him -- one  
24 of the girlfriends served him, along with two El Segundo  
25 police officers, as I recall. And I remember, I believe,

1 I read that [REDACTED] was somewhere in the background.

2 Q Were you also aware that Deputy Mandoyan had  
3 ended his relationship with [REDACTED] around that  
4 time?

5 A Yes.

6 Q Have you served restraining orders as part of  
7 your duty as a deputy sheriff?

8 A Yes.

9 Q Did you ever have victims in domestic violence  
10 cases or their close friends serve someone while you were  
11 standing by?

12 A Yes.

13 Q Okay. What would be the occasions that that  
14 would take place? Do you recall?

15 A When there was a service that we're expecting,  
16 and somebody called the station and only wanted us there  
17 as a keep-the-peace component of the service of  
18 restraining order. Or many times during a divorce or  
19 separation, they like to have us there, especially if it  
20 is one that is an immediate vacate of somebody's home.

21 Q As part of the investigation, did you read the  
22 memo in conjunction with the transcript of  
23 [REDACTED], who's the watch commander over at  
24 Lennox Station?

25 A Yes.

1           Q    Had you ever had occasion to have an employee  
2           bring to your attention a threatening phone call that was  
3           made to them by another member of the Department while  
4           they're on duty?

5           A    Yes.

6           Q    Is that something you would have the employee  
7           note in some kind of Departmental document?

8           A    Yes.

9           Q    Did you take that memo into consideration as part  
10          of your overall decision in this particular case?

11          A    Yes.

12          Q    Do you know [REDACTED] ?

13          A    I know who he is. I don't have a personal  
14          relationship with him. He's somebody in my division.

15          Q    Do you have any reason to believe that he would  
16          have ordered Deputy Mandoyan to write this memorandum if  
17          it did not occur?

18          A    No.

19          Q    So knowing that [REDACTED] threatened the  
20          career of Deputy Mandoyan and disseminated comments like,  
21          You're not going to get your job back unless you have a  
22          psych eval, do you remember reading those notations on the  
23          memorandum?

24          A    Yes.

25          Q    Did that impact your decision in this case that

1       that was undertaken by [REDACTED], who you stated  
2       earlier was a marginal employee?

3           A    Yes.

4           Q    Would it be correct to say, [REDACTED]  
5       [REDACTED], that the majority of your decision in this  
6       case was based upon the statements and allegations and  
7       videos that were prepared by [REDACTED]?

8           A    Yes.

9           Q    Was there any other piece of evidence in this  
10      case that helped you arrive at your conclusion that was  
11      outside the scope of a creation or statement or video by  
12      [REDACTED]?

13          A    The interview of Deputy Mandoyan where he denied  
14      his behavior over at the apartment.

15          Q    Okay. By him denying his behavior, that's  
16      consistent with him being an innocent person being accused  
17      of something. Is that a fair statement?

18          A    No. I don't think so in this case. I think that  
19      the video, and the audio of the video of her telling him  
20      to get out and him not leaving, and the fact that he tried  
21      to lift the sliding glass door off the rail and his denial  
22      of doing that, you know, certainly was consciousness of  
23      guilt, in my opinion. That gave credibility to her  
24      statement. And he lost credibility during that interview.

25          Q    I'll represent to you that during this trial

1       there was testimony that he wasn't doing anything with the  
2       sliding track portion of that door. Does that change your  
3       viewpoint of that particular component?

4               MS. ROAM: I would object. That clearly  
5       misstates the evidence.

6               HEARING OFFICER SCULLY: I won't sustain that.

7               If you have -- if you want to pose a questions to  
8       him in a hypothetical, you can do that. But as far as  
9       asking him about evidence that he hasn't seen -- I'd  
10       rather you just pose a question in terms of a  
11       hypothetical.

12       BY MR. GOLDFEDER:

13              Q    Have you seen the sliding glass door in the  
14       apartment in this case through photographs and the IAB  
15       interview?

16              A    Yes.

17              Q    Do you recall those as you currently sit here, or  
18       would it help you refresh your recollection if you look at  
19       those again?

20              A    I recall sliding glass doors, unless there's some  
21       detail you want me to specifically remember.

22              Q    I'm going to show you what's been previously  
23       marked as Exhibit 59 in this case. If you could just look  
24       at the, let's say, third and fourth pages here. Let me  
25       know when you've had a chance to look at those.

1           A    Okay.  And I am assuming you're taking about the  
2   stationary side of the door?

3           Q    Correct.  And if you look at the page you were  
4   just on, the right side of the door looks like that is the  
5   stationary part, and it looks like the sliding component  
6   is on the left side of the door?

7           A    Yes.

8           Q    So the track for the door would be over on the  
9   left, not the right?

10          A    Well, the track actually goes through the entire  
11   door.  And there's a device at the top that prevents the  
12   solid piece from being moved.  The doors are actually  
13   interchangeable when put into the door frame.

14          Q    But the actual right-hand side of the door there  
15   on Exhibit 52 does not have a sliding door component on  
16   it --

17               MS. ROAM:  I'm sorry.  I'm going to object to  
18   counsel interrupting the witness in the middle of his  
19   answer.

20               MR. GOLDWASSER:  I thought he was done with his  
21   answer.

22               MS. ROAM:  He was talking when you asked the next  
23   question.

24               HEARING OFFICER SCULLY:  Well, let's continue.  I  
25   think the scope is don't interrupt the witness while he's



1 talking.

2 And if you feel you're interrupted, sir, just --  
3 you can speak up and say, Excuse me. I wasn't finished,  
4 and I'm sure Counsel will allow you to finish your answer.

5 MS. ROAM: May I ask to have the witness's answer  
6 read back.

7 HEARING OFFICER SCULLY: Sure. We can have the  
8 answer read back where he started discussing the door and  
9 how it is interchangeable.

10 (The record was read back by the court reporter.)

11 HEARING OFFICER SCULLY: I thought the witness  
12 was through with his answer. I guess I have to overrule  
13 the objection.

14 Do you feel you were through with your answer as  
15 the record was just read back, or is there something more  
16 you wanted to add?

17 THE WITNESS: No, that's good.

18 HEARING OFFICER SCULLY: Okay. Do you have in  
19 mind the next question?

20 Counsel, do you want to just ask it again?

21 MR. GOLDFEDER: Yes.

22 BY MR. GOLDFEDER:

23 Q So the glass door here, the left-hand door, the  
24 one that slides open, is that the entry point?

25 A Yes.

1           Q    So if you want to walk into the apartment or walk  
2 out of the apartment, you have to utilize the -- as you're  
3 facing the sliding glass door, you have to operate it from  
4 the left and open it to the right?

5           A    Yes.

6           Q    Is there any component on the right side that has  
7 a handle on it to slide that portion of it open?

8           A    No.

9           Q    So would that be considered the solid portion of  
10 the sliding glass door?

11          A    Yes.

12          Q    And in the video that you had watched that you  
13 found that there was an issue here with using some metal  
14 object on the bottom of the door -- looking at that  
15 exhibit, does it appear that Mr. Mandoyan was using, like,  
16 a JIMS Pulley to knock on the bottom of the solid -- on  
17 the opening portion of the glass door?

18          A    It appeared to me that he was using it as a lever  
19 to lift the doors. The doors can be lifted on the solid  
20 side. And the only way to defeat that is if somebody,  
21 when they installed it, put a device on the right-hand  
22 side to prevent that.

23                I have no way of knowing whether that was the  
24 case on this door. I just know that you can lift them,  
25 even those. They're on the solid side. Being a crime

1 prevention officer, I taught classes on sliding glass  
2 doors and weakness and vulnerabilities. And I don't know  
3 if any of them knew any of those things, but that's what  
4 appeared to me.

5 Q Okay. If you could turn to Department's  
6 Exhibit 25, and it looks like it would be page 55 within  
7 that exhibit.

8 A Okay.

9 Q Was that the photograph of the sliding glass door  
10 that was provided to you as part of the 501-page  
11 Departmental Investigation Manual?

12 A Yes.

13 HEARING OFFICER SCULLY: I just want to make sure  
14 we're all looking at the same thing. This, is like --

15 MR. GOLDFEDER: Exhibit 25, Your Honor. It looks  
16 like it's page --

17 HEARING OFFICER SCULLY: Page 55?

18 MR. GOLDFEDER: Yeah. Bates-stamped at the  
19 bottom right.

20 HEARING OFFICER SCULLY: Okay. So the door is  
21 just sort of visible in the shadow of the right edge of  
22 the photo?

23 MR. GOLDFEDER: Correct.

24 BY MR. GOLDFEDER:

25 Q That's the picture of the apartment's sliding

1 glass door that you were provided as part of the  
2 investigation?

3 A Yes.

4 Q Can you tell from looking at that picture which  
5 side of the door had the handle to open or close?

6 A I can't really tell just from this picture.

7 Q Would you say Exhibit 52 provides a better visual  
8 of the sliding glass doors?

9 A Is that the one we just looked at?

10 Q That's Exhibit 52, right at the bottom there.

11 A Exhibit 52, yeah.

12 Q So it provided you with a clearer impression of  
13 the sliding glass door component; correct?

14 A Yes.

15 Q The issue of who sent text messages to whom in  
16 this case, was that an unimportant factor in your  
17 decision-making in this process?

18 A I wouldn't say it was unimportant, but it was not  
19 something that was going to change the circumstances of  
20 what the domestic violence and the interview case was.  
21 Certainly, it's a factor in realizing this was an  
22 emotional time for both of these individuals.

23 Q Does it also impact people's credibility as to  
24 who was sending text messages or who said they weren't  
25 sending text messages in regard to what you reviewed in

1       their written testimony?

2           A    Oh, yeah.

3           Q    So if it turns out that individuals were under a  
4       misimpression and falsely accusing individuals, does that  
5       also impact people's credibility and investigation that  
6       you reviewed?

7           A    Yes.

8           Q    Now, the Skelly hearing is just an opportunity to  
9       sit down and have a discussion about the imposition of  
10      discipline that's imposed on a deputy sheriff, is that  
11      your understanding of how that process works?

12          A    Primarily, it allows the individual to present  
13      any new evidence or any evidence that's not in the  
14      investigation. That's sort of the last chance to say,  
15      Here's something that you need to consider.

16          Q    Now, when you talk about the volatile situation  
17      here, is that because both deputy sheriffs, you know, are  
18      armed peace officers in the state of California?

19          A    I don't know if that's what made it volatile. It  
20      certainly made it more dangerous.

21          Q    Certainly, because you always have that firearm  
22      component. But were there any allegations of anybody  
23      pointing a gun or using firearms in an inappropriate  
24      manner that you reviewed in the investigation?

25          A    No.

1           Q    Were there any issues as far as, you know, any  
2   type of threatening behavior in this case?

3           A    I'm not sure.  Are you asking me was there  
4   threats made?

5           Q    Well, there was a threat made, as far as the memo  
6   that was written to [REDACTED] as to Deputy Mandoyan's  
7   career that was documented.  Were there any assertions  
8   that there were threats made in any text messages or  
9   e-mails as to put somebody's personal safety at issue that  
10  you reviewed as part of this case?

11          A    No.

12          Q    Okay.  Do you know if [REDACTED] was  
13   texting back and forth with Deputy Mandoyan or what the  
14   content and basis of their text messages between each  
15   other would have been?

16          A    I don't recall the text messaging between the two  
17   of them.

18          Q    And I'm not talking about the anonymous text  
19   messages that are a part of this investigation.  I'm just  
20   talking about whatever interaction they had with one  
21   another.

22          A    No.

23          Q    Was there anything that was asked by the  
24   investigator that you reviewed as part of the  
25   Investigation Manual?

1           A    I don't remember.

2           Q    Okay.

3           MR. GOLDFEDER:  Nothing further, Your Honor.

4           HEARING OFFICER SCULLY:  Okay.  Thank you.

5           Any redirect?

6           MS. ROAM:  Just briefly.  I know we're cutting  
7 into the reporter's lunch hour, but I'd like to finish  
8 with this witness, if possible.

9           HEARING OFFICER SCULLY:  That was my thought.

10          We'll still have our full hour for lunch.  We'll  
11 just take it a little bit later.

12

13                               REDIRECT EXAMINATION

14       BY MS. ROAM:

15          Q    Sir, during the Skelly hearing, did the Appellant  
16 ever mention concern about his County equipment being in  
17 [REDACTED]'s apartment?

18          A    Not that I recall.

19          Q    If, in fact, someone else -- I'm going to ask you  
20 a hypothetical.  If someone else was responsible for  
21 sending [REDACTED] these text messages that caused her  
22 to ultimately report this conduct to the Department -- and  
23 by "this conduct," I'm talking about the break-in into her  
24 apartment and domestic violence -- does that impact your  
25 decision at all?

1           A    No.

2           Q    Now, you are aware of the Appellant's explanation  
3   for what he was doing outside of that sliding glass door;  
4   is that correct?

5           A    Yes.

6           Q    What did he say he was doing?

7           A    He was knocking on the frame to get her  
8   attention.

9           Q    Is that consistent with what you saw in the  
10   video?

11          A    No.

12          Q    From the video that you viewed, was the action of  
13   the Appellant consistent with a person attempting to pry a  
14   sliding glass door out of its track?

15          A    Yes.

16          Q    Does it matter to you what side of the door the  
17   Appellant was on when he was engaged in attempting this  
18   prying motion?

19          A    No.

20          Q    Now, counsel brought up this Lieutenant Moore  
21   directing the Appellant to write the memo. You are  
22   familiar with the memo he's referring to; is that correct?

23          A    Yes.

24          Q    Counsel said that [REDACTED] had threatened the  
25   job of the Appellant in this phone conversation. Do you



1 recall that testimony?

2 A Yes.

3 Q From this memo, how did you interpret what  
4 [REDACTED] was saying to the Appellant?

5 HEARING OFFICER SCULLY: Well, I'm a little  
6 confused what exactly you are asking the witness.

7 MS. ROAM: I'm not asking it artfully. But I  
8 know counsel characterized her as threatening his job. I  
9 was asking the decision maker how he understood her  
10 statements to the Appellant that Appellant memorialized in  
11 his memo.

12 HEARING OFFICER SCULLY: I haven't seen the memo,  
13 so I don't know what the statements are. But my concern  
14 is you're asking him to speculate on or offer his own --  
15 his own speculation on her frame of mind or on his frame  
16 of mind, what they were thinking.

17 MS. ROAM: Uh-huh.

18 HEARING OFFICER SCULLY: And I think that's  
19 speculative. I would allow it if you said, Did you  
20 interpret it as a threat because --

21 MS. ROAM: I think that's the question I meant to  
22 ask, actually.

23 HEARING OFFICER SCULLY: Okay.

24 BY MS. ROAM:

25 Q Sir --

1 HEARING OFFICER SCULLY: Or threatening. But  
2 that's more of an objective, you know, evaluation, not  
3 asking what was really going through this person's mind.

4 MS. ROAM: Yes.

5 BY MS. ROAM:

6 Q So sir, did you interpret [REDACTED]'s comment  
7 to the Appellant as a threat?

8 A It appeared to me that it was more like, Back  
9 off, or else. That's not dissimilar to a dog barking.  
10 That's kind of the way that I interpret it. So whether it  
11 was a threat -- or, you know, on its own, I don't know.

12 Q Thank you. Now, counsel also asked you if you  
13 have had occasion for people to lie to you. And he asked  
14 you whether or not [REDACTED] giggling to the  
15 El Segundo -- he asked you questions about giggling.

16 Do you recall those questions?

17 A Yes.

18 Q In dealing with victims, is it uncommon for  
19 victims to giggle?

20 A No.

21 Q Under what circumstances might a victim giggle?

22 A Nervousness.

23 Q Have you had someone giggle because they're  
24 embarrassed?

25 A Yes.

1           Q    You also testified that in your experience, very  
2   few domestic cases are actually filed.  Do you know why?

3           A    Well, there's a lot of reasons.  One is the  
4   victims recant quite a bit.  Anothers is the specific  
5   evidence is a he said/she said.  So there are a number of  
6   things.  And another one is they don't want to prosecute.  
7   So there are a number of reasons.  In fact, many of the  
8   times that I've been in this room, it's been similar  
9   reasons, nonfiled domestic violence.

10           MS. ROAM:  I have no further questions.

11           HEARING OFFICER SCULLY:  Okay.  Anything further  
12   from Appellant?

13           MR. GOLDFEDER:  Yes.  Briefly, Your Honor.

14

15                           RECROSS-EXAMINATION

16   BY MR. GOLDFEDER:

17           Q    So people always laugh when they get away with a  
18   lie.  You had that experience also, [REDACTED]  
19   [REDACTED]?

20           A    Yes.

21           Q    And in this case, not knowing [REDACTED], but  
22   you know her reputation as being marginal, would you also  
23   expect that an individual with domestic violence would be  
24   calling up the purported aggressor in this case after a  
25   restraining order was filed and laughing, about that

1 person being served, on the telephone?

2 A I would just have to speculate on that.

3 Q Is that something you've ever come across in your  
4 career?

5 A Yes.

6 Q Is it also a fair statement that people file  
7 false reports for revenge and many other purposes?

8 A Yes.

9 MR. GOLDFEDER: Okay. Nothing further.

10 HEARING OFFICER SCULLY: Okay.

11 MS. ROAM: All done.

12 HEARING OFFICER SCULLY: Thank you, sir. I  
13 appreciate your cooperation. You're free to go.

14 THE WITNESS: Thank you.

15 HEARING OFFICER SCULLY: Okay. So we'll take our  
16 lunch break now. It's 12:30; so come back at 1:30.

17 Who's going to be the next witness?

18 MS. ROAM: So I have some witnesses that I have  
19 on call. I'm going to try to get ahold -- I know one is  
20 in San Fernando. I'm going to see who I can get ahold of  
21 and who can be here at 1:30. I will have someone here. I  
22 am just not sure who yet.

23 MR. GOLDFEDER: Who will be coming? Dependent on  
24 who's available?

25 MS. ROAM: Counsel, I believe I told you those

1 names earlier. It would be either [REDACTED] or  
2 [REDACTED].

3 MR. GOLDFEDER: Who's [REDACTED] He wasn't on your  
4 list.

5 MS. ROAM: I believe he was on -- I sent -- do we  
6 need to do this on the record?

7 HEARING OFFICER SCULLY: No. We don't have to do  
8 it.

9 Let's go off the record.

10 (The lunch recess was taken.)

11 HEARING OFFICER SCULLY: Back on the record.

12 Please raise your right hand.

13

14 [REDACTED]   

15 called as a witness for and on behalf of the Department,  
16 and having been first duly sworn by the Hearing Officer,  
17 was examined and testified as follows:

18

19 HEARING OFFICER SCULLY: Thank you.

20 Have a seat. State and spell your name, please.

21 THE WITNESS: [REDACTED], [REDACTED]

22 [REDACTED].

23 HEARING OFFICER SCULLY: Okay.

24 MS. ROAM: Thank you.

25 ///

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Q Good afternoon, [REDACTED]. You obviously work for the Sheriff's Department. How long have you been so employed?

Q What is your rank?

Q Where are you currently assigned?

Q Now, we had a witness by the name of

A Yes.

A She is my wife.

A Yes.

Do you recognize this document?

Q What is it?

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1 interview transcript.

2 Q Did I provide that to you when I contacted you to  
3 testify?

4 A Yes, you did.

5 Q Did you have an opportunity to review it?

6 A Yes, I did.

7 Q Does it appear to be accurate?

8 A Yes, it does.

9 Q Were you truthful?

10 A Yes, I was.

11 Q [REDACTED], do you know a deputy by the name of  
12 [REDACTED]?

13 A Yes, I do.

14 Q How do you know [REDACTED]

15 A I worked with [REDACTED] on numerous occasions  
16 from the beginning of my career starting at Twin Towers;  
17 while I was assigned to court services, she was assigned  
18 to TST, the transportation; and also at West Hollywood.

19 Q When did you start working at West Hollywood  
20 Station?

21 A I started working at West Hollywood Station in  
22 January of 2013.

23 Q When you went to West Hollywood Station, was  
24 [REDACTED] assigned there?

25 A Yes, she was.

1           Q    Can you describe -- what kind of professional  
2           relationship did you have with [REDACTED] when you  
3           worked with her at West Hollywood Station?

4           A    In the beginning, I had almost no professional  
5           relationship with her. She didn't have any conversations  
6           with me at all; and at times, she would just completely  
7           ignore me.

8           Q    What was your experience with her in terms of  
9           responding to calls when you were either her assigned  
10          assist or she was your assigned assist?

11          A    All my experiences are -- she would send me  
12          messages on the MDC letting me know -- she'll advise me of  
13          a call and need to roll and that she needed no assistance.

14          Q    Was that normal?

15          A    No.

16          Q    Did you observe [REDACTED] interact with any  
17          of your colleagues or peers at West Hollywood?

18          A    No, not really. My observations with her were  
19          very limited; she had almost no contact with anybody else.  
20          It was pretty much a given; it was the norm not to have  
21          any contact with her.

22          Q    Now, at some point did the relationship you have  
23          with her change?

24          A    Yes.

25          Q    Tell us about that.



1           A    Well, when I was transferred up to Universal  
2   CityWalk, it's a West Hollywood Substation at the  
3   CityWalk, [REDACTED] was assigned there. And she had  
4   been gone for some time. She came back, and her  
5   personality did a complete 180. She was very talkative,  
6   very friendly, very professional. She had no problems  
7   having conversations with anybody at the substation.

8           Q    Did she ever tell you why the change?

9           A    Yes, she did.

10          Q    What did she tell you?

11          A    She told me she had broken up with her boyfriend  
12   and that she had a very rocky relationship with him.

13          Q    Do you know who her boyfriend was?

14          A    Yes, I do.

15          Q    Who?

16          A    Deputy Mandoyan.

17          Q    Is that the Appellant, who's seated here in the  
18   hearing room?

19          A    Yes, he is.

20          Q    Did she tell you why, when you worked  
21   West Hollywood together, she did not roll to your calls or  
22   want you to roll to her calls?

23          A    Yes, she did.

24          Q    What did she say?

25          A    She told me in a conversation, when we were

1 assigned together on a radio car, that she was often told  
2 many times by her boyfriend to not have conversation with  
3 us. We didn't take her seriously, we're all jokes, that  
4 you can't rely on us, stuff like that.

5 Q Did she tell you how those comments that he made  
6 to her made her feel about her colleagues?

7 A Yes. She did tell me that, you know, it gave her  
8 reservations because she believed him. She thought we  
9 were talking about her, and we all thought she was a  
10 less-than-stellar deputy and that we didn't want to have  
11 anything to do with her, and we were all talking about her  
12 behind her back.

13 Q When you said that [REDACTED] was off for a  
14 while and she came back, do you know why she was gone for  
15 a while?

16 A I know it's a term we used called "IOD." I  
17 wasn't familiar to what her injury was, I just know she  
18 was gone.

19 Q Do you have an estimate as to when it was she  
20 returned to work from being IOD?

21 A I believe I arrived up at CityWalk sometime in  
22 June; so it might have been a few months after that.

23 Q I'm sorry. June of what year?

24 A June of 2014.

25 Q Now, did you ever see any interactions between

1 [REDACTED] and the Appellant, Caren Mandoyan?

2 A Yes, I did.

3 Q Tell us about that.

4 A On two separate occasions I saw Deputy  
5 Mandoyan -- that I can remember -- Deputy Mandoyan  
6 interact with [REDACTED] while [REDACTED] was on  
7 duty working at CityWalk.

8 Q During those interactions, was he on or off duty?

9 A He was off duty.

10 Q Can you tell us what you saw.

11 A Well, on the first occasion, we were contacted  
12 via security radio by Sergeant Ho that [REDACTED] had a  
13 visitor and that he wanted to know what her location was.  
14 I just responded back saying that she was busy, and that  
15 we were going to be busy for about five minutes, and we  
16 would roll to wherever he needed us to go.

17 So there was a brief discussion on the radio as  
18 to meeting in a parking lot. We call it the Woody  
19 Woodpecker parking lot; that's the designation of that  
20 particular parking lot. And about five minute later, we  
21 responded there and met Sergeant Ho and Deputy Mandoyan  
22 there.

23 Q Prior to responding, did [REDACTED] say  
24 anything to you?

25 A Yes, she did.

1           Q    What did she say?

2           A    We just had a conversation about some of the  
3 incidents that she had while she was in a relationship  
4 with Deputy Mandoyan and that -- she had told me that he  
5 was calling her several times on the phone and that the  
6 phone calls were somewhat harassing. She believed at  
7 times he was showing up unannounced at her apartment, even  
8 though she had told him to stay away.

9           Q    Was it your impression, at this point, that they  
10 were broken up?

11          A    Yes, it was.

12          Q    Do you recall what time period this was?

13          A    This was shortly after she arrived back -- the  
14 conversation happened shortly after she arrived back at  
15 our unit. I don't know what time period she was referring  
16 to as far as the unannounced visits to her apartment.

17          Q    Did you attribute this change to her personality  
18 to the fact that she had broken up with the Appellant?

19          A    Yes.

20          Q    So let me take you back. You are at the Woody  
21 Woodpecker parking lot and you respond. What happened?

22          A    I was in the driver seat; she was in the front  
23 passenger seat, called the bookman seat. Her window was  
24 rolled down. We rolled up and both remained seated in the  
25 radio car. I remember Deputy Mandoyan approached the

1 passenger side window; there was brief conversation  
2 between Deputy Mandoyan and [REDACTED] Shortly following  
3 that conversation, I saw Deputy Mandoyan reach in and grab  
4 her cell phone that was between -- positioned between her  
5 legs and pulled it out of the car.

6 Q Then what happened?

7 A And then I heard [REDACTED] respond by saying  
8 something along the lines of, you know, Give me that back.  
9 Then she exited vehicle and then what appeared to be a  
10 very short chase to try to retrieve her property from him.  
11 I thought it was very embarrassing.

12 Q Embarrassing for whom?

13 A For everybody.

14 Q Was this done in public? Were there citizens  
15 around?

16 A Yes, there was.

17 Q Now, you mentioned that you had just had a  
18 conversation with her prior to this happening about some  
19 incidents that happened, and you said one thing she told  
20 you was about him showing up, unannounced, at her  
21 apartment. What did she tell you about that?

22 A Well, she had mentioned that he had shown up  
23 several times, unannounced, outside of her apartment. And  
24 she believed he was trying to look inside to see if she  
25 was inside her residence, possibly with another person.

1 She also told me on one occasion she had video  
2 surveillance footage of Deputy Mandoyan entering her  
3 apartment when she wasn't there.

4 Q Now, you actually shared a radio car with  
5 [REDACTED]; correct?

6 A On a very few occasions when my normal radio car  
7 partner wasn't in.

8 Q During the times that you shared a radio car with  
9 her or you were around her, did you ever observe the  
10 Appellant to call or text her?

11 A Yes.

12 Q Can you tell us about that.

13 A Well, I didn't -- I mean, I didn't hear the  
14 conversations. I do know he texted and called her  
15 frequently. It usually put her into a different kind of a  
16 mood, almost a worried or concerned mood.

17 Q Do you know -- or did she say whether or not  
18 these calls and texts were welcomed or unwelcomed?

19 A She said they were unwelcomed. She didn't want  
20 to have any type of relationship with him, only because of  
21 what she told me was some of the abuse that she felt that  
22 she was receiving from him.

23 Q What did she tell you?

24 A She told me he would demean her, say things to  
25 her, threaten her, threaten to spread rumors about her,

1 stuff like that.

2 Q I believe you said that you observed the  
3 Appellant twice. Tell us about the second time.

4 A The second time, Deputy Mandoyan was occupying  
5 our briefing room inside our substation. I came in along  
6 with [REDACTED] and, I believe, another deputy or two.  
7 I was having a conversation with Deputy Mandoyan in the  
8 briefing room, and adjacent to the briefing room is a  
9 small, little office that occupies two desks.

10 I saw a look on [REDACTED]'s face when we were  
11 having this conversation, so I walked out of the room into  
12 the office, and I had a seat behind one of the desks.  
13 When I did that, Deputy Mandoyan positioned himself  
14 between the two rooms, sort of in the doorway that was  
15 between the two rooms, and was having a conversation with  
16 me. I believe he was also keeping an eye on [REDACTED]  
17 [REDACTED]

18 Q Why did you believe that?

19 A Because he was having a conversation with me and  
20 he would take his eyes off me and refocus his attention  
21 inside the briefing room and continue the conversation.

22 Q What was their status at that point? Do you  
23 know?

24 A As far as I knew, they were still broken up; they  
25 were not in a dating relationship.

1 Q Did this behavior appear to be intimidating?

2 A It wasn't for me. I don't know how [REDACTED]  
3 felt. I just knew she was -- her facial expressions  
4 appeared to be very uncomfortable; that's why I left the  
5 room. But I did observe, very abruptly during the  
6 conversation, that he left his position in the briefing  
7 room and exited the briefing room as -- what I thought was  
8 following [REDACTED] as she had left the briefing room.

9 Q Did [REDACTED] ever tell you that the  
10 Appellant told her that he had eyes and ears everywhere?

11 A She's made mention of so many things. That  
12 sounds pretty accurate. I just can't recall the actual  
13 words. It recalls a conversation I had with her where we  
14 had all just finished what we call a "family dinner" where  
15 we had a chance to all sit down together.

16 After the meal -- shortly after that meal, she  
17 received a few text messages from him. And in those text  
18 messages he was mentioning conversations we were having  
19 during that meal.

20 Q How do you know that?

21 A Because she told me. There was a mention of a  
22 "Top Gun" movie and he ended up referring to her to some  
23 type of character in that movie.

24 Q How did that text message make her feel?

25 A Very scared and nervous, as if she couldn't



1 understand how he was able to respond in a way like that  
2 without knowing some information.

3 Q Other than those two occasions that you told us  
4 about, did you ever see the Appellant at Universal when he  
5 was off duty and [REDACTED] was working?

6 A I've seen him there before, but I don't believe  
7 [REDACTED] was there.

8 Q Did the Appellant ever come to Universal looking  
9 for her when she wasn't there?

10 A Yes.

11 Q Can you tell us about that.

12 A I know one time he showed up, it appeared to  
13 be -- he had appeared to leave one of the clubs. He had  
14 said he was at a club earlier on CityWalk, and he was  
15 wondering if [REDACTED] was around. I told him she wasn't at  
16 work.

17 Q Now, you'd mentioned a text message that she  
18 received referring to the "Top Gun" movie. Did  
19 [REDACTED] ever complain to you about receiving any  
20 annoying text messages?

21 A Yes, she has.

22 Q What kind of text messages would she complain  
23 about receiving?

24 A She would complain about text messages she  
25 received regarding almost -- just threats, threats to

1 her -- her well-being, if you will; her status on the  
2 Department. I mean, just some vulgar words that were  
3 used.

4 Q Did you ever see any of those text messages?

5 A I might have, but I don't really remember because  
6 it was a long time ago.

7 Q Now, do you know a deputy by the name of  
8 [REDACTED]?

9 A Yes.

10 Q How do you know [REDACTED]?

11 A [REDACTED] was assigned to West Hollywood  
12 Station, and at the time she was assigned to CityWalk.

13 Q Do you know what [REDACTED]'s relationship  
14 was to [REDACTED]?

15 A As far as I knew, they were friends or partners.

16 Q Now, did [REDACTED] ever tell you whether or  
17 not she knew the Appellant, Caren Mandoyan?

18 A Yes, she did. She said she knew him.

19 Q How did she know him? Did she say?

20 A No, she didn't.

21 Q Did she ever tell you whether or not the  
22 Appellant would call her?

23 A Yes, she did. She did tell me that she did have  
24 conversations with Deputy Mandoyan. But she didn't convey  
25 that information or confide that information to me until

1 after some issues had happened.

2 Q What were the issues?

3 A The issues were text message that were sent to  
4 my, at the time, fiancée's phone. An anonymous text  
5 message.

6 Q What did [REDACTED] tell you about that  
7 anonymous text message that was sent to  
8 [REDACTED]?

9 A Well, a few months later after attitudes had  
10 calmed down, she had apologized for providing information  
11 to Deputy Mandoyan. She said she felt really betrayed by  
12 him. He befriended her and called her very often, even to  
13 the point where she had to tell him to stop calling  
14 because he was calling quite frequently and all hours of  
15 the night. And that she did provide him information about  
16 some of the things that she saw and heard at the  
17 substation.

18 Q Did she believe that the text messages that were  
19 sent to [REDACTED] were a result of information that  
20 she sent to the Appellant?

21 A Yes.

22 Q Did [REDACTED] ever tell you if the Appellant  
23 admitted to her that he was responsible for sending these  
24 annoying text messages to her?

25 A No. She did not tell me that.

1 HEARING OFFICER SCULLY: As far as I know, we're  
2 talking about one text message sent to [REDACTED].

3 MS. ROAM: No. Thank you for clarifying.

4 That's what I was thinking.

5 HEARING OFFICER SCULLY: Wasn't there one that we  
6 looked at in the evidence binder?

7 MS. ROAM: There is one in the evidence binder,  
8 but --

9 BY MS. ROAM:

10 Q [REDACTED], are you aware of whether or not  
11 [REDACTED] was receiving numerous text messages?

12 HEARING OFFICER SCULLY: I'm sorry. When you  
13 just referred to the text messages -- you know, I need to  
14 think of specifics. Which messages are we talking about?  
15 All bad text messages in the world? So we've seen one  
16 that was sent to this witness's fiancée; right?

17 MS. ROAM: Yes.

18 HEARING OFFICER SCULLY: That's what I thought  
19 your questioning was about when you started asking about  
20 what [REDACTED] said to him about that one message  
21 sent, apparently, a few months earlier to

22 [REDACTED].

23 MS. ROAM: Okay. And let me clarify. Thank you.

24 HEARING OFFICER SCULLY: If you're referring to  
25 text messages, I would ask you to be specific, like, one

1 sent on a specific date.

2 MS. ROAM: Yes.

3 HEARING OFFICER SCULLY: Because that way, I know  
4 exactly what the witness is talking about. If you refer  
5 generally to bad text messages, you know, I kind of get  
6 lost because it's not specific.

7 MS. ROAM: Yes.

8 HEARING OFFICER SCULLY: And your question is,  
9 for example, what did one witness tell him about what  
10 another witness thought. And it's a very attenuated line  
11 of connection that was not really helpful.

12 MS. ROAM: Got it. Thank you.

13 BY MS. ROAM:

14 Q [REDACTED], just so that we're clear, were you  
15 aware of whether or not [REDACTED] was receiving  
16 numerous annoying text messages?

17 A I was aware.

18 Q Did she know where these text messages were  
19 coming from?

20 A No, she did not.

21 Q When [REDACTED] admitted to sharing  
22 information with the Appellant, and it was your  
23 understanding that -- and that she apologized for  
24 providing this information to the Appellant, was it your  
25 understanding that it was limited to a text message that

1       was sent to your wife, or was there more information  
2       related to a lot of texts?

3               MR. GOLDFEDER:  Objection.  Vague as to "a lot of  
4       texts."

5               HEARING OFFICER SCULLY:  Sustained.  So again,  
6       we've seen some texts in the evidence binder.  Whether  
7       they are the annoying texts that you are referring to,  
8       whether they were sent and deleted, because --

9               MS. ROAM:  So --

10              HEARING OFFICER SCULLY:  It's a very vague  
11       connection between a witness who tells him, Oh, I'm so  
12       sorry I gave personal information to Deputy Mandoyan.  
13       Therefore, he must have sent texts, which we haven't seen,  
14       that's now gone into the ether -- you know, they no longer  
15       are in existence; right?

16              MS. ROAM:  Uh-huh.

17              HEARING OFFICER SCULLY:  So I'd like to keep this  
18       a little more focused on what he saw or what he heard.  
19       And, you know, if somebody told him something that  
20       exactly, what did that witness say; not his general  
21       impression of their messages.  Tie it a little more  
22       specifically to what he actually heard and saw.

23              MS. ROAM:  My understanding of his testimony is  
24       that he was aware that she was receiving many text  
25       messages and may have seen some of them.  But I don't know

1       that showing him specific text messages would --

2               HEARING OFFICER SCULLY:   So he said that

3       [REDACTED] said that she received texts threatening to  
4       harm her reputation on the Department, that sort of thing,  
5       that was an annoying text.   He didn't think he saw them,  
6       but she was receiving them.

7               My understanding was they were coming from  
8       Mr. Mandoyan -- that's what my impression of his testimony  
9       was -- not anonymous texts that she didn't know who they  
10      were coming from.   So that's the problem of having one  
11      witness talk about things that he has really no personal  
12      knowledge about.   You know, and he's quoting another  
13      witness and being very vague and not specific about what  
14      exactly is going on.

15              It doesn't really show that, A, she did receive a  
16      specific text with that specific language; and, B, that it  
17      has anything to do with Deputy Mandoyan.   I'm just saying,  
18      he's not a good witness to prove that [REDACTED] was  
19      receiving a text from Deputy Mandoyan because he didn't  
20      see any of them.   She would be the one who could testify  
21      as to what she received.   And she is going to be here  
22      tomorrow?

23              MS. ROAM:   Right.   So I expect that

24      [REDACTED]'s credibility is going to be attacked.   She  
25      will testify to the text messages.   But to the extent that

1     other people were aware of these texts messages, whether  
2     or not they know exactly what they said -- the fact that  
3     they know that she was receiving text messages that were  
4     upsetting her, I think it goes to her credibility, whether  
5     or not they know of the specific text messages.

6             HEARING OFFICER SCULLY: But the problem I have  
7     is she's received text messages that upset her -- she's in  
8     a relationship with somebody. Most people, oftentimes, in  
9     a relationship with somebody might receive an upsetting  
10    text message -- for example, I'm sorry. I can't make it  
11    to dinner tonight -- and think, Gee, that is upsetting to  
12    me. Or even worse, like a fight or argument between them.  
13    But that occurs in the normal course of a relationship.  
14    So we just talked about a text message that's upsetting to  
15    her, you know, I can't infer from that it's something that  
16    should be disciplined --

17            MS. ROAM: Sure.

18            HEARING OFFICER SCULLY: -- that it's a violation  
19    of Department guidelines. I don't know because we don't  
20    have the exact language of what's being said, and we don't  
21    have a person who saw the language. So I can't just  
22    assume that, just because she's upset by a text message,  
23    that it somehow means there's a communication that would  
24    be considered improper, objectively, by the Department,  
25    like name-calling, threat -- you know, You are going to be



1       sorry you messed with me. I'm going to destroy you -- you  
2       know, that sort of thing, as opposed to just there's  
3       tension in the relationship and, you know, she's upset by  
4       something he said.

5               So I don't know any of that. I'm just going by  
6       what the witness is saying. I'm not assuming it's one way  
7       or the other. I'm trying to listen to what the witness is  
8       saying so I understand the state of the evidence.

9               MS. ROAM: Yes. Thank you, sir.

10       BY MS. ROAM:

11              Q       [REDACTED], there are a lot of texts that we're  
12       talking about. Were you aware of specific text messages  
13       that Deputy Mandoyan sent her that [REDACTED] would  
14       tell you what was in the text message?

15              A       Yes. We had gone over a few text messages on  
16       several occasions while we were working together.

17              Q       Can you tell me what the content of those text  
18       messages were.

19              A       As best as I can recall, they were threatening in  
20       nature, talking about destroying her reputation -- excuse  
21       my language -- she's piece of crap, and just saying some  
22       very vulgar, horrible things about her.

23              Q       And so we're all adults here. Tell us what those  
24       vulgar, horrible things were to the best of your  
25       recollection.

1           A    To the best of my recollection, it talks about  
2   her appearance, her body; calling her names, like she was  
3   fat, she was a fat slob; horrible in bed; she's got some  
4   up type of sexually transmitted disease like herpes or  
5   something like that.

6           Q    Just so we're clear, are these text messages that  
7   you knew came -- did she tell you those came from  
8   Mandoyan, or did she know who the source of those text  
9   messages were?

10          A    Both.  Some text messages came from  
11   Deputy Mandoyan, and others came from an unidentifiable  
12   phone number that was produced off of a Google server.

13          Q    You said that you saw some of these messages; is  
14   that correct?

15          A    That is correct.

16                HEARING OFFICER SCULLY:  But earlier you said you  
17   didn't see them.  So you said you did see them.  So what  
18   did you see?

19                THE WITNESS:  I saw multiple text messages.  I  
20   can't remember what I saw.  It happened many years ago.  I  
21   just don't remember.

22                HEARING OFFICER SCULLY:  And you remember you  
23   looked at the screen, but you don't remember anything that  
24   was said?

25                THE WITNESS:  Yes.  I would not remember what it

1       said. I do remember us having conversations about  
2       multiple text messages. This happened all the time. All  
3       the time. I felt really bad for her.

4       BY MS. ROAM:

5             Q     When you say "all the time," over what period of  
6       time did you observe this?

7             A     As long as we had a conversation, as long as we  
8       were -- once she came back for the second time when we  
9       were working together, she told me about multiple -- I  
10      want to say hundreds of conversations that she had with  
11      Deputy Mandoyan. She had gotten multiple conversations  
12      from an unidentifiable phone number that she was able to  
13      track down, and that came from a Google server. It's just  
14      very frustrating because I do not remember them at all.

15            Q     Now, you are aware of the text message that your  
16      wife received; is that correct?

17            A     Yes, I was aware.

18            Q     Were you made aware of the contents of that  
19      message?

20            A     Yes, I was. She told me immediately upon  
21      receiving this text message. She had called me on the  
22      phone after she tried to convince whoever sent it to her  
23      to talk to her on the telephone. She called me, very  
24      upset, and read the text message to me.

25                   I told her that it appears as -- it sounds like

1       it's coming from another Google number. And there's  
2       someone that I'm working with who's having the same  
3       problem with somebody who's sending text messages via a  
4       Google number. The nice thing about this number is that  
5       it allows the sender a tactical advantage where it's  
6       almost untraceable.

7           Q    Are you aware that that text message alleged that  
8       you were engaged in an affair with [REDACTED]?

9           A    Yes, I was. She also told me that it also  
10      alleged that I had a threesome with my radio car partner,  
11      [REDACTED], and my partner.

12          Q    Was any of that true?

13          A    No, it was not true.

14               MS. ROAM: All right. I have no further  
15      questions.

16               HEARING OFFICER SCULLY: Okay. Just give me a  
17      moment to complete my notes here.

18               MR. GOLDFEDER: Sure.

19               HEARING OFFICER SCULLY: Okay.

20               Cross-exam, please.

21               MR. GOLDFEDER: Thank you.

22

23                               CROSS-EXAMINATION

24      BY MR. GOLDFEDER:

25           Q    Good afternoon, [REDACTED].

1           A    Good afternoon.

2           Q    You had a chance to review your six-page  
3 interview with [REDACTED] per your testimony  
4 earlier today?

5           A    Yes, I did.

6           Q    Does that help refresh your recollection?

7           A    Yes.

8           Q    It indicated in there that you didn't know  
9 anything other than what [REDACTED] has told you. Is that,  
10 you know, the source of most of your information about  
11 various text messages?

12          A    As best as I can recall.

13          Q    That was a true statement when you told that to  
14 [REDACTED] in your interview; correct?

15          A    That is correct.

16          Q    You never mentioned anything about this pulling a  
17 cell phone away from [REDACTED] in her radio car. Did  
18 you note that in your six-page interview?

19          A    It was never asked, sir.

20          Q    But you never offer it?

21          A    I didn't.

22          Q    When were you were first contacted about this  
23 case?

24          A    I believe about a week ago.

25          Q    Who contacted you?

1 A It would be Sergeant Roam.

2 Q How long was that conversation?

3 A Approximately 30 minutes.

4 Q How many conversations did you and I have?

5 A None, sir.

6 Q I've never called you?

7 A I don't believe so.

8 Q You never made mention of this cell phone being  
9 taken away from [REDACTED] in the car other than your  
10 testimony here today; is that correct?

11 A No. I mentioned it before.

12 Q Did you mention it in the presence of  
13 [REDACTED] on June 30, 2016?

14 A No.

15 Q Do you know [REDACTED]?

16 A I do.

17 Q Who is she?

18 A She is a deputy on the Department that I worked  
19 with at Twin Towers. She is also my wife's ex-husband's  
20 ex-wife.

21 Q Is it your knowledge that [REDACTED] and  
22 your wife, [REDACTED], do not get along?

23 A I wouldn't -- no. I wouldn't say they don't get  
24 along. I wouldn't say they get along either.

25 Q Do they have any kind of relationship that you're

1       aware of?

2           A    No, not that I'm aware of.

3           Q    Do you have any information -- if you could turn  
4       to tab 20 in the binder there for me, there's a three-page  
5       text message. It starts off, "Hey [REDACTED] It comes from  
6       a number [REDACTED].

7                   Have you ever seen this text message before?  
8       Before today, I'm asking.

9           A    No. I've heard about it.

10          Q    You've heard about it from your wife,  
11       [REDACTED]?

12          A    Correct.

13          Q    Do you have any information as to who sent that  
14       text message to your wife?

15          A    I have no information regarding this.

16          Q    You have no idea where it came from whatsoever?

17          A    No. When I attempted to look up this phone  
18       number, it comes back as an unknown number provided by a  
19       Google sever.

20          Q    Did you ever call the number?

21          A    I did.

22          Q    What happened when you called it?

23          A    Nothing. It just rings.

24          Q    Now, the information that was provided to you  
25       from [REDACTED] about phone calls or text messages she

1       purportedly received from Deputy Mandoyan, how many of  
2       those did she actually physically show you on her screen,  
3       that you remember?

4           A    That I remember?  Many.

5           Q    What did they say, the ones that you observed --  
6       the ones that you remember?

7           A    I remember us having conversations about the text  
8       messages and the nature in which the language was written  
9       and the things that they were saying about them.

10          Q    Okay.  Did you see those, or did she tell you  
11       about those?

12          A    I saw those -- almost, like, a glimpse, but we  
13       spoke about them.

14          Q    Did you ever tell [REDACTED] in your  
15       June 30, 2016, interview that you saw text messages?

16          A    No.  I don't recall.

17          Q    In reviewing your six-page transcript, did you  
18       see anywhere in that six pages that you talked to  
19       [REDACTED] about observing text messages?

20          A    Not that I recall.

21          Q    Did you ever hear any phone conversations between  
22       Deputy Mandoyan and [REDACTED]?

23          A    No.  I knew she had conversation with him, but  
24       she would step away.

25          Q    So you never heard what these conversations were?



1           A    No.

2           Q    You don't know if they were work related or  
3   personal related?

4           A    No.  I have no idea.

5           Q    How long were these conversations, the times that  
6   you would see her step away with her phone, when  
7   Deputy Mandoyan called her?

8           A    They varied.  Anything from a short conversation  
9   to a very long conversation.

10          Q    Did [REDACTED], in your presence, send text  
11   messages to Deputy Mandoyan?

12          A    Can you repeat that.

13          Q    Did [REDACTED] ever send text messages to  
14   Deputy Mandoyan in your presence?

15          A    Yes.

16          Q    Did she call Deputy Mandoyan in your presence?

17          A    Not that I recall.

18          Q    Would it be a correct statement that, other than  
19   the few text messages that you actually remember looking  
20   at, that the sole source of your information about the  
21   relationship with Deputy Mandoyan and [REDACTED] came solely  
22   from [REDACTED]?

23          A    Yes.

24          Q    Did [REDACTED] ever tell you that she had  
25   called Deputy Mandoyan and threatened his job and

1 indicated that he's going to have to get a psych eval to  
2 get his job back? Did she ever tell you that?

3 A Not that I recall.

4 Q Is that something you would have remembered if  
5 you were told about that call?

6 A Yes.

7 Q Did she ever tell you about text messages that  
8 she sent to Deputy Mandoyan?

9 A Say again.

10 Q Did she ever tell you about text messages she  
11 sent to Deputy Mandoyan?

12 A No.

13 Q Now, these anonymous texts -- and I'm not talking  
14 about the one in Exhibit 20. [REDACTED] said she was  
15 getting anonymous text messages from an unknown source at  
16 some point in time; correct?

17 A Correct.

18 Q Did you ever look at those text messages?

19 A Not that I recall.

20 Q Did [REDACTED] ever indicate to you that she  
21 had ascertained who was actually sending those anonymous  
22 text messages to her?

23 A She had told me there was no way of knowing who  
24 sent those text messages because, again, it's from a  
25 Google number, and you are not able to know who created

1       that account.

2           Q    Did she ever tell you that she received  
3       information that they were coming from [REDACTED]?

4           A    No, she did not.

5           Q    How would you describe the closeness of your  
6       relationship with [REDACTED] when the two of you were  
7       working?

8           A    On which occasion?

9           Q    Let's say over at -- the first time was at  
10      West Hollywood, wasn't it?

11          A    Yes. It was very distant. We didn't have any  
12      conversations prior to arriving at West Hollywood  
13      Sheriff's Station. I had multiple conversations with her  
14      while assigned to Twin Towers and Edelman Children's  
15      Court. But when I arrived at West Hollywood Station, we  
16      didn't have one conversation.

17          Q    How long did you work at custody at  
18      Edelman Children's Court?

19          A    Approximately three years.

20          Q    You went out to West Hollywood Patrol Station as  
21      your first patrol assignment?

22          A    Correct.

23          Q    You were on training out there?

24          A    Yes, I was.

25          Q    Would you agree with the statement that working

1 patrol is more labor intensive and difficult than working  
2 in a courthouse or in custody?

3 A Yes, I would.

4 Q Would it be correct to say that some individuals,  
5 when they come to patrol and have to go through training,  
6 have a difficult time?

7 A Yes.

8 Q And some folks, when they're in patrol, are  
9 potentially not very happy about being in there?

10 A Yes.

11 Q There's obligations of patrol that you normally  
12 would not have working at custody and court. Is that fair  
13 to say?

14 A Yes.

15 Q Different hours, different shifts, overtime,  
16 things of that nature?

17 A Yes.

18 Q Does that create a lot of stress for individuals?

19 A It may.

20 Q Does it also encompass individuals having a  
21 difficult time on training whereby they might have to have  
22 their training extended or be sent back to custody or  
23 court assignment if they're not doing well on patrol?

24 A Yes.

25 Q Would you say that can impact an individual's

1 attitude and personality about -- you know, their  
2 behavior?

3 A It could.

4 Q Okay. When you were working at West Hollywood,  
5 was [REDACTED] at that unit of assignment while you  
6 were there?

7 A Yes, she was.

8 Q Did she ever supervise you on your shift, that  
9 you recall?

10 A Yes, she did.

11 Q Your recollection of [REDACTED] at that time,  
12 would she be calling in late, not showing up in time for  
13 briefing at the start of her shift, and things along those  
14 lines?

15 A I don't recall. I don't believe we ever worked  
16 on the same shift.

17 Q Okay.

18 A She worked either before me or after me.

19 Q So is it fair to say you had no direct  
20 supervisory role over [REDACTED] over at West Hollywood  
21 Station?

22 A Correct.

23 Q You don't know if she was timely or a problematic  
24 employee for sergeants or anything of that nature?

25 A Correct. I wouldn't know.

1           Q    Now, at the point in time you went over to  
2   Universal City or Universal CityWalk -- what is the proper  
3   name?

4           A    Universal CityWalk.

5           Q    There are a lot of nightclubs, bars, and  
6   restaurants there?

7           A    Yes.

8           Q    Deputy sheriffs that worked that facility, would  
9   they ever go up there and have dinner or drinks at any of  
10   those facilities while off duty?

11          A    On very few occasions.

12          Q    Very few occasions. Would you ever see a deputy  
13   off duty up there?

14          A    A deputy, yes.

15          Q    Was there any Departmental policy that you were  
16   not allowed to go to Universal CityWalk?

17          A    No.

18          Q    So anybody can go up there whether they are a  
19   deputy or a dentist or anything else?

20          A    Yes. That is correct, sir.

21          Q    Deputy Mandoyan might be in a restaurant or a  
22   club off duty. Are there any issues with him being over  
23   there?

24          A    No. There would not be any issues that I could  
25   foresee as far as policywise.

1           Q    I believe you testified that you saw  
2 Deputy Mandoyan leaving some kind of a bar or nightclub up  
3 there, and he asked if [REDACTED] was working?

4           A    That is correct.

5           Q    And you indicated that she was not working?

6           A    Yes.

7           Q    Well, based upon the comment that [REDACTED]  
8 made at the point in time she related that Mandoyan  
9 indicated to her that he has "eyes and ears  
10 everywhere" -- do you remember that testimony?

11          A    Yes, I do.

12          Q    -- do you find it somewhat strange that if  
13 Deputy Mandoyan purportedly had "eyes and ears  
14 everywhere," that he'd be asking you where [REDACTED]  
15 is?

16          A    No.

17          Q    So does that mean what [REDACTED] told you  
18 about Deputy Mandoyan's alleged statement that he has  
19 "eyes and ears everywhere" didn't really seem to gel with  
20 what you were told?

21          A    No, it didn't play a role.

22          Q    So he didn't know where she was, and he just  
23 asked if she was working; correct?

24          A    That is correct.

25          Q    So he had no idea if she was working or not

1 working; correct?

2 A That is correct.

3 Q And [REDACTED], did you work with her over  
4 at West Hollywood after University Walk?

5 A Yes, I did.

6 Q Did you ever work a car with her?

7 A Yes.

8 Q Did she ever have any difficulties with her  
9 patrol experience?

10 A Yes, she did.

11 Q And I probably didn't ask you this question, and  
12 I apologize for that in advance. Did you have any  
13 difficulties getting off patrol training when you went to  
14 West Hollywood?

15 A No.

16 Q So you got off in a timely manner that was  
17 expected of a person -- you came out of the station  
18 prepared?

19 A Yes, I did.

20 Q What kind of difficulties was [REDACTED]  
21 having in working patrol?

22 A What I observed in patrol, she had a hard time  
23 communicating with people on calls, whether it be a victim  
24 or suspect. She had a hard time deescalating situations.  
25 Whether it be a communication problem, whether it be a



1 lack of experience, she had a hard time. She also had a  
2 hard time handling evidence. And by the way, I'm  
3 referring to syringes used by persons that had HIV or  
4 AIDS. I know she got poked. When we tried to explain to  
5 her the proper way of handling such property, she chose to  
6 ignore us, and I know she got poked.

7 Q Would it be correct to say that she wasn't a  
8 steward deputy out there at West Hollywood Station or  
9 Universal CityWalk?

10 A No, I wouldn't say that. I would say she had  
11 problems during training, but she had no problem working  
12 or accepting extra challenges. She had no problem taking  
13 the extra calls or trying to better herself.

14 Q So she was trying to improve as a deputy sheriff  
15 when she got off training?

16 A Correct.

17 Q Do you know anything about her relationship and  
18 Deputy Mandoyan?

19 A Just what she told me at the very end; that's all  
20 I know.

21 Q What was that?

22 A That she befriended him and that they had  
23 multiple conversations. She provided him with  
24 information, and she was sorry for doing that.

25 Q What information did she provide that she told

1       you about?

2           A    She provided information of conversations that we  
3   all had together, and she was relaying topics of  
4   conversations that we were having that were just, you  
5   know, general in nature.

6           Q    Were these any kind of privileged or  
7   off-limit-type conversations?

8           A    No, they were not.

9           Q    So it's not as if she's telling Deputy Mandoyan  
10 anything she's not allowed to say?

11          A    That's not classified information or top secret  
12 information, no. But would these conversations be held in  
13 front of Deputy Mandoyan? No.

14          Q    He wasn't working at West Hollywood at the time?

15          A    No, he was not.

16          Q    Where was he working?

17          A    I believe it was South LA Station.

18          Q    So if you're having a conversation with several  
19 other people, deputies and nondeputies as the case may be,  
20 is there any expectation that the individuals that you  
21 were talking to might not pass on that information to  
22 whomever in their life?

23          A    There is no expectation. They can go ahead and  
24 pass around whatever information they want to.

25          Q    So she wasn't providing some kind of secret

1 bidding for the new SUV vehicles or anything of that  
2 nature?

3 A But these are also, again, some conversations  
4 that partners have together. We don't share with other  
5 partners that we don't work closely with.

6 Q Would you consider this to be deputy sheriff  
7 gossip?

8 A No. I wouldn't say gossip. It's information  
9 about personal lives, personal situations.

10 Q Well, was [REDACTED] extracting any  
11 information from you or [REDACTED] about your personal  
12 lives where she had a can of mace out, where they're going  
13 to use it if you didn't provide the information?

14 A No.

15 Q So nobody is being coerced to say anything about  
16 anything. Is that fair?

17 A That is fair.

18 Q So although there could be some expectations  
19 amongst the people that are having this conversation in  
20 the moment in time, there's nothing that is inappropriate  
21 to be passed on because it's privileged or some kind of  
22 secret information?

23 A Fair to say.

24 Q So was anything coming up about, you know, who's  
25 wearing a -- strike that.

1           Did anything come up that impacted any deputy  
2       sheriff officer's safety?

3           A    No.

4           Q    So any conversations that she provided back to  
5       Deputy Mandoyan was something she did on her own?

6           A    Well, nobody was forcing her either.

7           Q    And you received no information that she was  
8       being tortured or waterboarded by Deputy Mandoyan to give  
9       him information or anything?

10          A    Not that I can recall.

11          Q    Now, the text message that you looked at earlier,  
12       which I think was Exhibit 20 -- maybe you still have it  
13       written there -- was that something that impacted your  
14       relationship with your wife, [REDACTED], after  
15       that was sent to her?

16          A    Yes, it did.

17          Q    Do you have any personal knowledge that  
18       Deputy Mandoyan had anything to do with that particular  
19       text message being sent to your wife, [REDACTED]  
20       [REDACTED]?

21          A    I have no personal knowledge of anyone who sent  
22       this.

23          Q    So you don't know where it came from?

24          A    I don't. I only have my suspicions.

25          Q    Based upon the content of that message, is there

1 anything in that message that Deputy Mandoyan would have  
2 known about -- because he wasn't working over at Universal  
3 CityWalk at that point in time because you said he was  
4 working at South Station.

5 A That is correct.

6 Q Did [REDACTED] -- or did you ever have any  
7 conversations with [REDACTED] about that message that  
8 was sent to your wife that was in Exhibit 20?

9 A I'm sorry. Can you repeat the question.

10 Q Did you ever have any discussions with your wife,  
11 [REDACTED], about that text message that you are  
12 looking at in Exhibit 20?

13 A Did we have conversations? Yes, we did.

14 Q Did she ever show you that text message?

15 A No, she did not.

16 Q Did she talk to you about the contents of that  
17 text message?

18 A Yes, she did.

19 Q And she wasn't happy about the contents of that  
20 text message, as I'm sure you probably weren't also.

21 A She was, and so was I.

22 Q Did your wife, [REDACTED], have any  
23 thoughts or impressions about who might have sent that  
24 message to her? Did she ever express that to you?

25 A She had no idea. My wife had no idea who sent

1       that to her.

2           Q     So is it correct she didn't have any idea and you  
3       didn't have any idea, other than all of a sudden there's  
4       an unsavory text message that's sent to her?

5           A     No, that's inaccurate. She had no idea; but I  
6       had reasonable suspicion to believe who sent this text.

7           Q     Okay. And what was the reasonable suspicion you  
8       believed based upon?

9           A     Based upon some of the information provided  
10      inside the text that she said to me via the cell phone,  
11      some of the things in here matched some of the prior  
12      conversations I had with [REDACTED]. And, I guess,  
13      looking. And there's a word "herpes" in big, capitalized  
14      letters and some other references to other things that  
15      just, again, raised my level of suspicion about the things  
16      that might have been relayed to her via -- to him via an  
17      outside party. And what leads me to believe that is  
18      multiple times things had gotten very twisted between what  
19      was said and what was returned. If that makes any sense.

20          Q     Somewhat. But essentially, conversations were  
21      taking place with you, [REDACTED], and [REDACTED]  
22      over here at Universal CityWalk. And then there's this  
23      particular text message that is received by your wife, and  
24      then there's other text messages that are being sent to  
25      [REDACTED] that are anonymous texts also; correct?

1           A    Correct.

2           Q    And at the point in time these text messages are  
3 being sent, did you ever talk to [REDACTED] to  
4 ascertain if she uncovered who was sending those anonymous  
5 text messages?

6           A    No. I would not do that, and I did not.

7           Q    And the reason you would not ask her about that?

8           A    Because [REDACTED] has a tendency to be very  
9 dramatic. She's a very dramatic person in nature, so I  
10 would not chose to ask her anything regarding a text  
11 message like this. Something like that could get twisted.  
12 Even with [REDACTED] just -- even if I approached her  
13 with it, so I just -- I chose not to even ask her about  
14 any of this.

15          Q    When you say "dramatic," that means different  
16 things to different people. Let me try to get a little  
17 clarity of that from your perspective.

18                When you say "dramatic," would that be because  
19 you would be concerned she might say something to a  
20 supervisor about that that would be misconstrued? Tell me  
21 what you mean by that phrase?

22          A    What I mean by that is just personally, she might  
23 have taken offense to the fact that I would have suspected  
24 that she was relaying information to Deputy Mandoyan and  
25 then wanted to ask me why I had thought that. And I'm

1 just assuming because that's not how anything played out.  
2 I would feel that my partner, who was [REDACTED],  
3 wouldn't do something like that to me and my family at  
4 all.

5 Q So the individual that's sending the text message  
6 that was sent to you and your wife and the individual  
7 sending anonymous text messages is an inappropriate  
8 individual to be doing that type of thing without  
9 identifying themselves and involving themselves in other  
10 people's relationships and personal matters. Is that fair  
11 to say?

12 A I would say she's an easy person for someone to  
13 approach and try to get information from them by  
14 befriending them. That's what I was assuming.

15 Q But your assumption is someone befriended her to  
16 obtain information. Is that what you're saying?

17 A Again, you have to understand [REDACTED].  
18 She's very nice in nature, but sometimes she tends to  
19 overreact. I say "dramatic." Everybody has the same kind  
20 of word for that. She overreacts when it comes to certain  
21 types of situations -- when it comes to situations like  
22 this.

23 Q But if she's providing information to somebody  
24 else other than Deputy Mandoyan that sent these text  
25 messages, she would overreact and become dramatic if she



1 was confronted about that because that would not have been  
2 her intention? Is that your understanding?

3 A No, no. That's not my understanding. My  
4 understanding is if -- she knows me. She's worked with  
5 me. We have a very professional relationship as well as  
6 we consider ourselves partners. And I'm not sure if you  
7 are familiar with that particular term or what that means,  
8 but someone like myself maybe -- someone like myself might  
9 offend her if I went to her and asked her if she was doing  
10 something like this.

11 It might be different from you or from someone  
12 she hasn't spent any professional time working patrol  
13 with; she might not be offended by something that you  
14 might ask. But for me, I believe she would be a little  
15 offended if I asked her that. And from then it would  
16 be -- I say "dramatic." Some people say overreacting.  
17 She would ask why I felt like that. The reason why I say  
18 that is because that's just the type of personality I've  
19 observed with [REDACTED].

20 Q So if someone approached her other than you,  
21 because you two are working together, and indicated to her  
22 that this information that she was experiencing when she's  
23 talking to different people got in someone's wheelhouse  
24 and they are sending anonymous text messages, that would  
25 cause her to be upset if she thought someone else used

1 information from her to send text messages to interfere  
2 with your personal life and anybody else's personal life?

3 A That is fair to say.

4 Q And as you sit here today, you don't know,  
5 because these are anonymous text messages, who sent which  
6 text message to your wife, [REDACTED], or the  
7 anonymous text messages to [REDACTED]?

8 A Correct. I do not know.

9 Q What was the reputation of [REDACTED] that you  
10 were aware of when you were working over at West Hollywood  
11 and Universal CityWalk?

12 A It was a high-regarded reputation. Even while  
13 going through patrol training, we were all -- my group  
14 that was going through patrol training, we were told by  
15 our master FTO that if we ever needed any help, we should  
16 contact [REDACTED], who just recently got off training  
17 who appears to be doing very, very well.

18 Q And who is the master FTO that provided that  
19 information at the time you were embarking on training?

20 A Deputy Saavay.

21 Q Could you spell it for me.

22 A S-A-A-V-A-Y.

23 Q Okay. S-A-A-V-A-Y?

24 A Yes.

25 Q According to Deputy Saavay, if you had any

1 questions or need information, that [REDACTED]  
2 would be the go-to person at patrol to talk to?

3 A That is correct. That was during patrol  
4 training.

5 MR. GOLDFEDER: Okay. Nothing further.

6 HEARING OFFICER SCULLY: Give me a second.

7 Any redirect?

8 MS. ROAM: Yeah. I have a couple.

9 HEARING OFFICER SCULLY: Okay.

10

11 REDIRECT EXAMINATION

12 BY MS. ROAM:

13 Q [REDACTED], you said that you had not seen this  
14 text before; is that correct?

15 A That is correct.

16 Q In glancing down at it today, you said there were  
17 a couple things that kind of jumped out at you.

18 A Yes.

19 HEARING OFFICER SCULLY: So we're talking about  
20 Exhibit 20 now?

21 MS. ROAM: We are talking about Exhibit 20.

22 BY MS. ROAM:

23 Q Department's Exhibit 20, which is what's in front  
24 of you, I want to take your attention to the second page  
25 at about the middle of the page where it says, "She writes

1 on things 'For my love [REDACTED].'"

2 Does that have any significance to you?

3 A Yes, it does.

4 Q Have you heard about this before, or is today the  
5 first day?

6 A I have heard about this before.

7 Q Can you tell us what is the significance of "For  
8 my love [REDACTED]," in this text message.

9 A [REDACTED] had her suspicion that  
10 [REDACTED] was providing information to  
11 Deputy Mandoyan. So she bought myself and [REDACTED]  
12 boxes of Krispy Kreme doughnuts; she left them in the  
13 briefing room. On my box of Krispy Kreme doughnuts she  
14 wrote, "For my love [REDACTED]."

15 Q Okay. So this is information that someone  
16 working Universal would know?

17 A Yes.

18 Q You also said that the "herpes" in all caps  
19 caught your eye. What was it about that --

20 A Well, [REDACTED] had made mention that this  
21 was one of the taunts that Deputy Mandoyan would use  
22 against her in their text messages, on their phone  
23 conversations, or during their arguments. And it caught  
24 my attention because it's in all capitals.

25 Q [REDACTED], is it common for deputies at

1 West Hollywood Universal CityWalk to work a lot of  
2 overtime?

3 A Yes.

4 Q So if you're not assigned to a specific shift  
5 with a deputy, that didn't mean that you don't ever work  
6 with them; is that correct?

7 A That is correct.

8 Q Okay.

9 MS. ROAM: All right. I have no further  
10 questions. Thank you so much.

11 HEARING OFFICER SCULLY: I just want to clarify a  
12 couple things. Apparently you and [REDACTED] are  
13 suspicious of [REDACTED]. So together -- or maybe  
14 [REDACTED], acting alone, buys this box of doughnuts  
15 and writes, "For my love [REDACTED]," for everyone to see;  
16 right?

17 THE WITNESS: Correct.

18 HEARING OFFICER SCULLY: This is, like, a trap to  
19 see if somehow those words, "For my love [REDACTED]," then  
20 reappear someplace else and you can trace who the mole is?

21 THE WITNESS: That is correct.

22 HEARING OFFICER SCULLY: But yet your wife  
23 receives this text, Exhibit 20, and you never said, Let me  
24 see that text. I want to read it for myself?

25 THE WITNESS: No. Absolutely not. I told her

1 not to send me that text.

2 HEARING OFFICER SCULLY: You didn't want to see  
3 it?

4 THE WITNESS: I wanted to see it, but I told her  
5 not to send it to me.

6 HEARING OFFICER SCULLY: Could you look at it on  
7 her phone?

8 THE WITNESS: I could. But I asked her to tell  
9 it to me over the phone.

10 HEARING OFFICER SCULLY: So she read it to you?

11 THE WITNESS: Yes, she did, over the phone.

12 HEARING OFFICER SCULLY: So did that, then,  
13 confirm for you something -- I mean, you heard the words,  
14 "For my love [REDACTED]."

15 THE WITNESS: Absolutely.

16 HEARING OFFICER SCULLY: So what did that tell  
17 you?

18 THE WITNESS: It told me that [REDACTED] was  
19 the person who was relaying information to whoever sent  
20 this. My suspicion was Deputy Mandoyan.

21 HEARING OFFICER SCULLY: Well, [REDACTED] is  
22 now your partner; right?

23 THE WITNESS: Yes.

24 HEARING OFFICER SCULLY: Did you ever ask her  
25 about it?

1 THE WITNESS: No.

2 HEARING OFFICER SCULLY: Because she would  
3 overreact and she's dramatic?

4 THE WITNESS: Because she has a tendency of doing  
5 that. And myself, I know the Department and our policies.  
6 I was not going to start a hostile work environment for  
7 something like this; so I chose to see if we could find  
8 out who this was.

9 HEARING OFFICER SCULLY: Did [REDACTED] ever  
10 acknowledge to you that she told anybody about "For my  
11 love [REDACTED]"?

12 THE WITNESS: She confided in me after this had,  
13 what we call, "blown over" that she was providing  
14 information to Deputy Mandoyan. She didn't get specific  
15 and tell me that it was this particular saying that she  
16 read on the doughnut box.

17 HEARING OFFICER SCULLY: What were her exact  
18 words when she said that?

19 THE WITNESS: She told me that she was very sorry  
20 that she allowed him to manipulated her in a way that she  
21 provided information to him regarding conversations that  
22 we were having together between myself, [REDACTED], and  
23 [REDACTED], or any other partner that was there.

24 HEARING OFFICER SCULLY: Do you remember her  
25 exact words?

1           THE WITNESS: You know, Your Honor, it was a  
2 long -- it was several years ago, and this happened  
3 shortly -- a few months after this. She said she was  
4 sorry and I took it at that and I left it alone.

5           HEARING OFFICER SCULLY: How did it come up?

6           THE WITNESS: She approached me in the parking  
7 lot.

8           HEARING OFFICER SCULLY: What did she say?

9           THE WITNESS: She said, [REDACTED] do you have a  
10 second? Something to that effect. I said, What do you  
11 need, [REDACTED] Something to that effect. And it was,  
12 I'm very sorry. What are you sorry for? For the  
13 problems -- and I'm just paraphrasing.

14          HEARING OFFICER SCULLY: She was doing what you  
15 are doing now? She was pointing to --

16          THE WITNESS: No. She didn't have a copy of this  
17 in front of her.

18          HEARING OFFICER SCULLY: So what's the "this"?

19          THE WITNESS: The text message that was sent  
20 because it was -- I was very upset when this happened.

21          HEARING OFFICER SCULLY: So she's referring to  
22 the text to your wife?

23          THE WITNESS: The information that was provided  
24 to Deputy Mandoyan.

25          HEARING OFFICER SCULLY: She was referring to the



1 text sent to your wife?

2 THE WITNESS: She was referring to the  
3 information provided to Deputy Mandoyan. That's what she  
4 had told me. It came from her mouth. That's what she  
5 said. I'm only gesturing to this because this is  
6 information that is very specific.

7 HEARING OFFICER SCULLY: So she just came up one  
8 day and spontaneously apologized to you in the parking lot  
9 for having sent information to -- or giving information to  
10 Deputy Mandoyan?

11 THE WITNESS: That is correct.

12 HEARING OFFICER SCULLY: Did you ask her any  
13 questions like, What did you say? And, When did you say  
14 it? Or anything like that?

15 THE WITNESS: No. I mean, I took it as my  
16 suspicion was confirmed. I knew that this was the source  
17 of the information, the cause of this drama. I was,  
18 frankly, over it. I didn't want anything to do with it.  
19 I was tired of it.

20 HEARING OFFICER SCULLY: Okay. Any other  
21 questions from Appellant?

22 MR. GOLDFEDER: Briefly, Your Honor.

23 ///

24 ///

25 ///

1 RECROSS-EXAMINATION

2 BY MR. GOLDFEDER:

3 Q Were you aware that [REDACTED] was also in  
4 communication with [REDACTED] during this time  
5 frame?

6 A No, I was not.

7 MR. GOLDFEDER: Okay. Thank you.

8 HEARING OFFICER SCULLY: Any other questions from  
9 the Department?

10 MS. ROAM: No, sir.

11 HEARING OFFICER SCULLY: [REDACTED], thank you  
12 for being here today and for your cooperation. We  
13 appreciate it. You are free to go.

14 MS. ROAM: And I'll walk you out. I'll get my  
15 next witness.

16 HEARING OFFICER SCULLY: I mentioned to  
17 counsel -- Mr. Goldfeder, you may have been out of the  
18 room -- that I would like to wrap up by 4:00 today.

19 MR. GOLDFEDER: That's fine.

20 HEARING OFFICER SCULLY: What I'm wondering, and  
21 I am going to ask Shelby, would you object if we just went  
22 to 4:00, and rather than taking our 15-minute break and  
23 leave?

24 THE COURT REPORTER: No.

25 HEARING OFFICER SCULLY: I would like to take a

1 five-minute break.

2 Off the record.

3 (There was a pause in the proceeding.)

4 HEARING OFFICER SCULLY: Back on the record.

5 Apparently, I've just been informed by  
6 Sergeant Roam that, although we did have a witness --

7 What's the name of the witness?

8 MS. ROAM: [REDACTED].

9 HEARING OFFICER SCULLY: Is he a deputy?

10 MS. ROAM: Yes.

11 HEARING OFFICER SCULLY: He came, but he left  
12 because he had a short time of availability, and he has to  
13 leave to pick up his kids.

14 MS. ROAM: It's my fault. I apologize. I  
15 thought I would get him on at 2:30.

16 HEARING OFFICER SCULLY: You told him what time  
17 he would be needed. And when we went beyond that, he had  
18 commitments and he had to leave?

19 MS. ROAM: Yes.

20 HEARING OFFICER SCULLY: So you are right, we  
21 don't have any other witnesses. It's 3:30. So we'll  
22 adjourn for today and be back here tomorrow. We have two  
23 witnesses scheduled, [REDACTED] and [REDACTED]  
24 [REDACTED]; right?

25 MS. ROAM: Yes.

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HEARING OFFICER SCULLY: Let's go off the record.  
(The hearing was adjourned at 3:30 p.m.)

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HEARING REPORTER'S CERTIFICATE

I, Shelby K. Maaske, Hearing Reporter in and for  
the State of California, do hereby certify:

That the foregoing transcript of proceedings was  
taken before me at the time and place set forth, that the  
testimony and proceedings were reported stenographically  
by me and later transcribed by computer-aided  
transcription under my direction and supervision, that the  
foregoing is a true record of the testimony and  
proceedings taken at that time.

I further certify that I am in no way interested  
in the outcome of said action.

I have hereunto subscribed my name this 23rd day  
of October, 2017.

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SHELBY K. MAASKE  
HEARING REPORTER

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